

Thomas Forster.
1869.

A
BREFE COLLECTION
of the Lawes of the Forest:

Collected and gathered together, as well out
of the Statutes & Common Lawes of this
Realme, as also out of sundrie auncient
Preidents and Records, concern-
ing matters of the Forest.

With an Abridgement of all the principall Cases,
Iudgements, & Entres, contained in the
Assises of the Forrestes of
Pickering, and of
Lancaster.

By Iohn Manwood of Lyncolne Inne,
Student in the Lawes
of this Realme.

BRITISH COLLEGE

of the Law of the

Collected and printed together as follows

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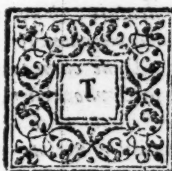
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The Preface to the matter.



THE auncient Lawes of this Realme hauing always had a speciall regard vnto the continuall studie & care that Kings and Princes haue in great and maightie affaires of matters of Common weale, for the good of their Subiectes: whereby they are often times wearyed with the toyle of the same: and in respect thereof, the same lawes haue giuen vnto them diuers royall prerogatiues of most noble and princely pleasures to recreate themselves withal, to put away from them the remembrance of their labour some toyle. Amongst which prerogatiues, the royall prerogatiue of the libertie of a Forest is not the least: For a Forest both is and hath bene alwayes accompted a franchise of such noble and Princely pleasure, that it is not incident vnto any subiect of this Realme to haue the same, but onely vnto the Crowne and royall dignitie of a Prince. And therefore there haue bene alwayes certain particular Lawes differing from the Common Lawes of this Realme, that were onely proper vnto a Forest belonging to the same for the continuance of it.

And it doth seeme that Forrestes haue bene of long time, and that they are very auncient things, although peraduenture, not in that nature that they are now used h:ere in this Realme of England. For it doth appeare, that there were Forrestes, yea, euen in the verie tyme of king Dauid: For he saith in his 50. Psalme these wordes, O Lord, I neede not to offer vnto thee burnt Sacrifices of beastes: for all the wilde beastes of the Forest are thine, and so are the Cattell vpon a thousand Hilles: Then Ergo there were Forrestes of wilde beastes in his time. And it doth also appeare by sundry auncient Histories, as in Concordantia Historiarum & others, that Forrestes haue bene alwayes in this Realme from the first tyme that the same was inhabited. And also you may read there that Gurguntius the sonne of Belyn being a king of this lande, did make certaine Forrestes for his delight and pleasure in Wiltshire: and so haue diuers other kings also since his tyme in other places meete for that purpose: VVhich Forrestes the Kings and Princes of this Realme haue alwayes mayntained and preserved, (with diuers Prinileges and Lawes appertaining to the same,) for places of pleasure and delight for their recreation.

King Dauid
in his 50.
Psalm. ver. 10

Concordantia
Historiarum.

Gurguntius.

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And if it did happen that any offenders did enter into those privileged places, & that they did any trespass therein, then they were punished with verie
 . . . p Lawes & punishments according to the Lawes that then were in force,
 which were sharply executed, & which Lawes were then altogether vncer-
 taine: and the offenders were punished at the Kings will & pleasure, & not
 by any law certaine: and those Lawes & punishments were duly executed &
 continued by the Kings of this Realme, until that Canutus a Dane came to
 be king of this land, which was about the yeare of our Lord 1016. who taking
 as great delight & felicitie in Forrestes as other most noble Princes of this
 Realme had done before his time: He for the better preservation & mainte-
 nance of those privileged places of pleasure did establish certaine Lawes and
 Canons onely concerning Forrests, which Lawes I haue here placed first of all
 in this booke: for although that they haue beene raked up a long time in the
 Embers of obliuion, yet they are worthie to be remembred againe. And be-
 cause that they are the most auncientest Lawes that I can find concerning Fo-
 restes, therefore I haue placed them first of all before any others, to shew that
 those that shall read this booke, may both see & know what Lawes there were
 in the beginning, concerning Forrestes, and how they haue altered & chan-
 ged from time to time: and to that end I haue here set downe all the Statuts
 concerning Forrestes that haue beene made since the time of the making of
 the said Lawes, because that it may thereby appeare the more plainly how any
 one of them hath abrogated another, or any part thereof: by reason whereof,
 that which is lawe and in force at this day may the more easie be decerned
 and knowne.

It appeareth by the Lawes of Canutus the Dane king in his Canon the
 30. that before his time, all wild beastes & birdes were onely the kings: and
 that no other person might kill or hurt them. For the king by his royall Pre-
 rogative, his right and privilege was such in England, that all such things
 that none of his subiects could challenge any proprietie in, they were then said
 to be the Kings: as wilde beastes, byrds, & such like, in whose lands or woods
 soeuer they were found. Wherefore the same king made this law, *Volo ut*
omnis liber homo pro libito suo habeat venenum siue viridem in planis
suis super terras suas sine Chacea tamen, et deuitent omnes meam vbi-
cunque eam habere voluerit, which is: that from hencefoorth, I will (saith
the king) that euery free man may take his own Vert & Venerie or hunting
that he can gett upon his owne ground, or in his owne feelds, being out of my
Chafe. And let all men refraine from my Venerie in euery place where I
will

Canutus, a
 Dane, was
 king herein
 England, in
 Anno Do-
 mini 1016.

Canutus
 Canon. 30.

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will haue the same. And also it appeareth in the booke of S. Edward the confessor, which booke is the verie roote and originall ground of all the ancient Lawes of England, that the same king Edward the confessor did confirme the same Law in these wordes: *Volo vt omnis homo sit venatione sua dignus in nemora campo & dominico suo & abstineat omnis homo a venarijs meis vbicunque pacem eos habere volo super penam vitæ.* And so it appeareth, that both the said king did graunt and make this Law, that after that time it should be lawfull for euery subiect to enioye the benefite of his owne hunting that he could any way take in his owne lande or in his owne woods or feedes, so that euery man should refraine from hunting the kings wilde beastes in his owne Forests and privileged places for them: vpon paine of the losse of life of such an offender. Which Lawes William the Conqueror did afterwards in his time confirme, as it doth appeare in the said booke of the said Lawes, chap. 47. And also he did continue the same all his life time. And after his death William Rufus his sonne in like sort continued those Lawes during his life, vntill he was slaine in new Forest as he was in hunting. And after the death of the said William Rufus without issue of his body king Henry the first his brother succeeded him as next heire vnto the Crowne of this Realme, by his Charter did confirme all the said Lawes of the Forest of Saint Edward the Confessor, as it doth appeare in the red booke in the Exchequer called Liber Rubus, cap. 1. *Legum suarum*, and also in the second Charter of the said booke of the Lawes of the Forest in these wordes, *Forestas vero Communitati assensu omnium Baronum meorum in manu mea sic retinuo sicut pater meus eas retinuit.* And then afterwards in the 18. Chapter of the said booke, the places of the Forest are there specified and rehearsed in these wordes, *Placita quoque Forestarum satis sunt in commoditatē valliat sicut de assensu de Cessione de venatione de cumbustione &c.* Which Lawes of the Forest afterwards did more and more increase, and so did continue during all the life of the said king Henrie the first. And after his decease king Steuen by King Steuen, his Charter did confirme all the said Privileges, Lawes, & Customes made and graunted by Saint Edward the Confessor, and also by king Henry the first his uncle, as it appeareth in the booke of the said Lawes. All which said Lawes and Customes the said king Steuen did continue all his life. And after his decease king Henry the second succeeding him as next king of this Realme, by his generall Charter did confirme the said Lawes of the Forest in most things, & principally concerning the beginning of Carta de Foresta.

The booke
of the Lawes
of Saint Ed-
ward the
Confessor.

William the
Conqueror.

William
Rufus.

Henry the
first.

Liber Ru-
bus cap. 1.

King Steuen.

King Henry
the second.

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For in the first booke of his Lawes made in the 19. yeare of his raigne, Chap. 16. he rehearseth and declareth the Lawe of the Forrest, and the very nature of that, and doth farther shewe there, how that the Lawes of the Forrest do varie and differ from the Common Lawe of this Realme, as it doth appeare in the said radd Booke in the Exchequer in these wordes, *Sane Forestarum, lex, ratio pena quoque vel absolutio delinquentium siue pecuniaria fuerit siue corporalis (eorum ab alijs regni Iudicijs secernuntur & solius regis arbitrio seu cuiuslibet familiaris ad hæc specialiter deputati subijciuntur, legibus quidem proprijs subsistit, quas non iure communi sed voluntaria principum Institutione subnixasse debent, adeo ut per legem eius factum fuerit non iustum absolute, sed iustum secundum legem Forestæ dicatur, quia in Forestis penetrabilia regum sunt & eorum maximæ delictæ ad has quidem vendendi causa Curis quandoq; accedunt, ut modica quiete recreentur.* And afterwards in the twelfth Chapter of the same booke, there doth followe another sentence concerning the lawes of the Forrest in these wordes; In singulis Comitatibus Foresta regis non est, sed in nemorosis ubi ferarum latibula sunt & vberior pastura, nec interest cuius sunt nemora siue eorum regis siue regni procerum liberos tamen & indempnes habeat feræ Circumq; discursus: So that by those texts before rehearsed, it doth appeare how the Lawes of the Forrest were taken and used in times past, and by those wordes, *Nec interest, cuius sunt nemora &c.* It is plainly shewed that the king then might & yet may also make a Forrest in every place where he pleaseth, as well in the landes and inheritance of any of his subiectes as in his own demesne landes and inheritance, which was a great losse and hinderance to those that were owners of those landes that were so afforested. For after the same was so afforested, their pastures and profits of their landes was deuoured by the wilde beastes of the king without any recompence for the same to be made vnto them. And this lawe of afforesting of the landes and inheritance of other men did then daily growe worse, that the same was thought a very extreme heauie burthen, as well vnto noble men and gentlemen, as also vnto the poore dominallies of this Realme to beare: for that they might not inclose their land, nor improve the same to their best profite that was so afforested by the king. But they were forced to suffer their said landes afforested to lye open and not inclosed. And if any of them did chauce to offend against the Assises or Lawes of the Forrest, the punishment was sometimes verie great for a small offence: and the

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forfeitures for the same, according to the will and pleasure of the king, and not according to the quantitie of the trespass, nor yet according to the course of the Common lawe of this Realme. And this law did continue during the life of king Henry the second. And after his decease, the same continued likewise during the raigne of king Richard the first. And then after his decease, likewise during the raigne of king Iohn. And every one of the saide kings did daily increase and make more newe Forrestes and more in the lands of their subiectes, to the great hinderance and impoverishing of their subiectes.

And this mischief was not at all remedied, untill the making of the Charter of the liberties of the Forest, which was made by king Henry the third. And afterwards the same Charter was confirmed and enlarged by king Edward the first his sonne: which Charter was made for the pacifying of the Comminaltie of this Realme that then were much agreed on this mischief. And therefore the same Charter called Carta de Foresta euen in the verie first Article of the same did provide a remedie in that behalfe in these wordes, Omnes Forestæ quas Henricus auus noster aforestaui videantur per bonos & legales homines, et si boscum aliquem tantum quam suum dominicum afforestauerit ad dampnum illius cuius boscum ille fuerit statim deaforestentur &c. By which branch of the said Charter, you do see, that all Forrestes that king Henry the third had made of the lands of any of his subiects, which were not the kings owne demeane landes, are here appointed to be disaforested againe.

And againe, in the third Article of the said Charter of the Forest, there is the verie like remedie and promise, that all such Forrestes which king Richard the first and also king Iohn had aforested and made of the landes or woodes of any of his subiectes, being not the demeane landes of the Crowne, that then all those landes and woodes should be disaforested againe: For these three kings, that is to saye, king Richard the first, king Iohn, and Henry the thirde had then newly aforested so much of the landes of their subiectes, that the greatest part of this Realme was then become Forest.

And because the mischieses, inconueniences, and burthens that were then layde vpon the Comminaltie of this Realme, were verie great and heauie, by the meanes of the Lawes of the Forest: therefore the said Charter of the Liberties of the Forest, bath now moderated the extremenesse of those Lawes in a more mylder order, as you may perceiue by the same.

For

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For he that doth attentively read and examine the whole Charter of the Forest, and every Article therein, may thereby partly perceine how harde and sharpe the lawes of the Forest were in tymes past before the graunting of the same Charter: And also what inconueniences the inhabitants in Forrestes did then indure & suffer, by reason of the Forest lawes: all which are now provided for, and in a measurable maner remedied, as you may perceine by the examination of every Article of the said Charter. And whereas the same Charter did allow or suffer anything that hath since that time bene thought to be ouer harde or sharpe: the same hath since againe bene moderated, as you may here perceine by those Statutes that haue bene made since that time: So gracious and mercifull haue the Noble Princes of this Realme bene towards their louing Subiectes: So that now at this day, although that the lawes of the Forest are of themse'ues verie mylde, gentle & mercifull lawes towards the Subiects of this Realme, ouer that they haue bene in tymes past. Yet notwithstanding, we do at this present time vnder the gouernement of so grations and mercifull a Queene, that her clemencie in the execution of those lawes, is much more greater than the fauour & clemencie of the Lawes themselves: VVhose long life, prosperous raigne, and most happie dayes, GOD of his mercifull goodnes graunt long to continue, to the great comfort of all good

Christian Subiectes. Amen.

The Lawes of the Forest.

Fol. i.

Carta de Foresta, of king *Canutus* a Dane and
a King of this Realme, graunted at a Parliament holden at
Winchester in the yeare of our Lord 1016.
as followeth.

Incipiunt constitutiones Canuti

Regis de Foresta.



*H*æ sunt sanctiones de Forresta, quas ego *Ca-*
nutus Rex cum consilio primariorum homi-
num meorum Cōdo & facio, vt cunctis regni
nostri Angliæ Ecclesijs & pax & Iustitia fiat,
& vt omnis delinquens secundum modum de-
licti, & delinquentis fortunam patiatur.

I Sint iam deinceps quatuor ex liberalio-
ribus hominibus qui habent saluas suas debitas consuetudines,
[Quos Angli *Pagenes* appellant] in qualibet regni mei prouin-
cia constituti, ad Iustitiam distribuendam vna cum pena merita
& meritis Forrestæ cuncto populo meo, tam Anglis quam Da-
nis per totum regnum meum Angliæ, quos quatuor primarios
Forrestæ appellandos Censemus.

For they are foure cheefe men of the Forest as they we e then : and they do execute the
same place : and they haue the same aũthoritie in most things that these cheefe men
had then.

Fegened.

These foure
chiefe men are
those that
now are called
the Verderers.

2 Sint sub quolibet horum, quatuor ex mediocribus homi-
nibus [quos Angli *Lesfegend* nuncupant, Dani vero yong men
vocant] locati, qui curam et onus tum viridis tum vénéris susci-
piant.

Lesfegend.

These seeme
to be these
men that now
are called the
Regarders: for
they haue the
same office &
authoritie that
they had.

3 In administranda autem Iusticia nullatenus volo vt fa-
les se intromittant: mediocresq; tales posterarum curam sus-
ceptam, pro liberalibus semper habeantur, quos Dani *Ealder-*
men appellant.

Ealdermen.

A

4 Sub

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Tine man.

These are they
that now are
called Forresters or keepers. Here you may note both their Office, auctoritie, and beginning.

4 Sub horum iterum quolibet sunt duo minutorum hominum quos *Tinemani* Angli dicunt, hi nocturnam curam & venis & viridis tum seruilia opera subibunt.

5 Si talis minorus seruus fuerit, tam cito quam in Foresta nostra locabitur, liber esto, omnesq; hos ex sumptibus nostris manutenebimus.

Michni.

Here you may
see what allowance a Verderor had by the yeare of the King for his fee.

6 Habeat etiam quilibet primariorum quolibet Anno de nostra warda quam *Michni* Angli appellant, duos equos, vnum cum sella alterum sine sella, vnum gladium, quinque lanceas, vnum Cuspidem, vnum scutum et ducentos solidos argenti.

A Regarders
fee by the
yeare.

7 Mediocrum quilibet vnum equum, vnum lanceam, vnum scutum et, 60. solidos argenti.

A Forester his
fee by the
yeare.

8 Minutorum quilibet, vnam lanceam, vnam arcubalistam & 15. solidos argenti.

Hundred Lawe.

All the officers of the Forest are to be acquitted of paying of any tribute or taxe, and of all Summons & forreine plects.

9 Sint omnes tam primarij, quam mediocres, & menuti, immunes, liberi, et quieti ab omnibus prouincialibus summonitionibus, et popularibus, placitis, quæ *Hundred Laghe* Angli dicunt, et ab omnibus armorum oneribus quod *Warscot* Angli dicunt et Forincefis querelis.

All the officers of the Forest are to be corrected and punished by the Verderors the Forest.

10 Sint mediocrum et minorum causa et earum correctiones tam criminalium quam ciuiliu per prouidam sapientiam et rationem primariorum iudicatur et decise: Primariorum vero enormia si quæ fuerint [ne scelus aliquod remaneat multum] nosmet in ira nostra regali puniemus.

11 Habeant

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11 Habeant hi quatuor vnam regalem potestatem [salua Muchbunt. The Verderors haue regalem potestatem.] quaterq; in Anno generales forestarum demonstrationes et viridis et veneris forisfactiones quas Muchbunt dicunt, vbi teneant omnes calumpniam de materia aliqua tangente Forestam, cantq; ad triplex Iudicium quod Angli of Gangfordel dicunt. Ita autem acquiratur illud triplex Iudicium. Accipiat secum quinque et sit ipse sextus et sic iurando acquirat triplex Iudicium, aut triplex Iuramentum Sed Purgatio ignis nullatenus admittatur nisi vbi nuda veritas nequit aliter investigari.

Muchbunt.

The Verderors haue regalem potestatem.

Gangfordel.

They may procede to a threefold Iudgment.

Purgatio ignis.

Triplex ordalia.

12 Liberalis autem homo .i. Pegen, modo crimen suum non sit inter mariota, habeat fidelem hominem qui possit pro eo iurare iuramentum .i. Forathe: si autem non habet ipsemet iuret, nec pardonetur ei aliquod iuramentum.

Pegen.

A freeman may haue another to sweare for him.

Forathe.

13 Si Aduena vel Peregrinus qui de longinquo venerit sit calumpniatus de Foresta, et talis est sua inopia vt non possit habere plegium ad primam calumpniam qualem * nullus Anglus iudicare potest: tunc subeat captionem regis et ibi expectet quousque vadat ad iudicium ferri et aquae: attamen si quis extraneo aut Peregrino de longe venienti. * sibi ipsi nocet si aliquod iudicium iudicauerint.

How a stranger shall bee delt with all.

If a straanger being an offender shal be

hurt, he that doth hurt him shall haue his Iudgment executed vpon him.

14 Quicumque coram primariis homines meos Forestarum in falso testimonio steterit et victus fuerit, non sit dignus imposterum stare aut portare testimonium, quia legalitatem suam perdidit, et pro culpa soluat Regi decem solidos quos Dani vocant Halse-hang, alias Hulf-hang.

Hee that doth beare false witness before a Verderor, is disabled to be a witness any

more, and he shall paie to the King ten shillings.

15 Si quis vim aliquam primariis forestarum intulerit, si liberalis sit amittat libertatem et omnia sua, si villanus abscondatur dextra.

If any man do offer force to a Verderor, if he be a free-

man, he shall lose his freedome, and all that he hath, And if he be a villeine, he shall lose his right hand.

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16 Si

If such an offender do offend so againe, he shall lose his life.

16 Si alteruter iterum peccauerit reus sit mortis.

Pere & pite. 17 Si quis contra autem cum primario pugnaverit in plito, emendet secundum pretium sui ipsius quod Angli *Pere & Pite* dicunt, et soluat primario quadraginta solidos.

If any man do contend with a Verderor in suite, he shall forfeit to the King as much as he is worth, and to the Verderor 40. shillings.

Gethbrech. 18 Si pacem quis fregerit ante mediocres Forestæ quod dicunt *Geth-brech* emendet Regi decem solidis.

He that doth breake the peace before a Regarder, shall pay to the King 10. shillings.

If a Regarder do strike one in his anger, he shall forfeit as if he had killed a Royal beast.

19 Si quis mediocrum aliquem cum ira percusserit, emendetur prout interfectio feræ regalis mihi emendari solet.

He that is taken offending in the Forest, shall be punished according to his offence.

20 Si quis delinquens in Foresta nostra capietur penas licet secundum modum et genus delicti.

Ealderman. 21 Pena et forisfactio non vna eademque erit liberalis [quem Dani *Ealderman* vocant] et illiberalis: Domini et serui: noti et ignoti: nec vna eademque erit causarum tum civilium tum criminalium, ferarum forestæ, et ferarum regalium: viridis et veneris tractatio: nam crimen veneris ab antiquo inter maiora et non inmerito numirabatur: viridis vero (fractione chace nostre regalis excepta) ita pusillum et exiguum est, quod vix ea respicit nostra constitutio: qui in hoc tamen delinquerit, sit criminis Forestæ reus.

The punishment of him that is a freeman, and of him that is not a freeman. The punishment of a Maister, and of a Seruant: of a man known, and of a man not known: of criminal causes, and civil causes: Of beasts of the Forest, and of real beasts, shall not be all one. Hunting is one of the greatest offences in the Forest. The offence in Vert is but small in this time: But yet it is an offence, for it is a breach of the free chase.

22 Si liber aliquis feram forestæ fugerit, siue casu, siue prehabita

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habita voluntate, ita vt cursu celeri cogatur fera anhelare, decem solidis Regi emendet, si illiberalis dupliciter emendet, si seruus careat corio.

He that doth hunt a wilde beast, & doth make him

paunt, shall pay 10. shillings. If he be not a free man, then he shall pay double. If he be a bond man, he shall lose his skin.

23 Si vero horum aliquot interfecerit, soluat dupliciter et per soluat, sit que pretij sui reus contra Regem.

The punishment for killing a deare.

Staggon.

24 Sed si Regalem feram quam Angli a *Staggon* appellant alter vter coegerit Anhelare, alter per vnum Annum, alter per duos Careat libertate naturali: si vero Seruus, pro vt legato habeatur quem Angli *Frendlesman* vocant.

The punishment for hunting a Staggon *Frendlesmā.*

The punishment of him that doth kill a wilde beast which is a royal beast.

25 Si vero occiderit, a mittat liber scutum libertatis, si sit illiberalis careat libertate, si seruus vita.

26 Episcopi, Abbates et Barones mei non calumnibuntur pro venatione, si non regales feras occiderint, & si regales restabunt rei Regi pro libito suo, sine certa emendatione.

Bishops, Abbots, and Barons may hunt all beastes of

the Forest that are not royal beastes.

27 Sunt alia (preter feras forestarum) Bestia que dum inter sepes et sepes Forestarum continentur, emendationi subiacent: quales sunt capreoli Lepores, et Cuniculi. Sunt et alia quam plurima animalia que quanquam infra septa Forestarum viuunt, et oneri et curæ mediocriū subiacent, Forestarum tamen nequaquam censerī possunt, qualia sunt equi, Bubali, Vaccæ et similia. Vulpes et Lupi, nec Forestarum nec veneris habentur, et proinde eorum interfectio nulli emendationi subiacet.

There be some wilde beastes (besides the wilde beastes that are properly beastes of the Forest:) that so long as they are remaining with

in the bounds of the Forest, the hurting of them is punishable by the Lawes of the Forest, such are wilde Goates, Hares, and Conies. And there be diuers other beastes which although they do liue within the Forest, and they be vnder the charge of the Regarders, yet they cannot be accounted beastes of the Forest: Such are wilde Horses, Bugalles, Kine, & such like Foxes & Wolues are not accounted beastes of the Forest, nor of Venerie, and therefore the killing of them shall not yeeld any recompence.

A 3

Si

Subali olim Si tamen infra limites occidentur, fractio fit regalis chaceæ; et
in Anglia. mitius emendetur. Aper vero quamquam Forestæ fit nullatenus tamen Animal veneris haberi est assuetus.

Yet notwithstanding, the killing of them within the boundes of the Forest is a breach of the Kings Roiall free chase, and therefore the offender shall for the same yeeld a recompence. A wild Beare, although he be a beast of the Forest, yet he is in no wise accounted a beast of Veneris.

Vert in the Kings Wood. 28 Bosco nec subbosco nostro sine licentia primariorum Forestæ nemo manum apponat, quod si quis fecerit reus sit fracti-
 No man may onis regalis chaceæ
 lay his handes

upon the Kings demesne Woods without licence of the verderor: for if he doe, he shall be adjudged guilty of the breach of the Kings free chase Roiall: euery tree in the Kings Woods is Vert.

Vert in another manns Wood. 29 Si quis vero l licem aut arborem aliquam qui victum
 feris suppeditat sciderit, preter fractionē Regalis chaceæ, emendet Regi viginti solidis,

If any man do cutt downe a Holly Tree, or any other Tree in the Forest which doth beare Frute for foode for the wild: Beastes: besides the breach of the free chase Roiall, he shall paie twenty shillings to the King for a recompence.

30 Volo vt omnis liber homo pro libito suo habeat venerem siue viridem in planis suis super terras suas, sine chacea tamē.
 By this Lawe it doth appeare, that before that time, Et deuitent omnes meam, vbicunque eam habere voluero.

all wild beasts were the Kings, wherefoeuer they were out of the Forest. And therefore the King made this Lawe, that euery man might take his Venery in his owne ground: so that they did refrain from the Venery of the King in his Forest.

31 Nullus mediocris habebit nec custodiet Canes quos Angli Grey-hunds appellant. Liberali vero dum genuiscissio eorum facta fuerit coram primario Forestæ licebit, aut sine genuiscissione dum remoti sunt a limitibus Forestæ per decem Milliaria: quando vero proprius vengrint, emendet quodlibet Miliare
 Greyhound. No mean person, or Regarder, may keep any grehound,

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vno solido. Si vero infra septa Forestæ reperiatur, dominus canis forisfaciet et canem et decem solidos Regi.

7 but freemen may keepe Greyhounds so that their

knees be cut before the Verderors of the Forest and with out cutting of their knees alſo, if they doe abide ten miles from the boundes of the Forest. But if they doe come any nearer to the Forest, they shall paie twelſe pence for euery mile: but if the Greyhounds be found within the Forest, the maiſter or owner of the Dogg, shall forfeit the Dogg, and the ſame dog & ten ſhillings shall be forfeited to the King.

32 Veleres vero quos langeran appellant quia manifeste Velker lan- constat in ijs nihil esse periculi, cuilibet licet sine genuiscissio- geran. ne eos custodire. Idem de canibus quos Ramhundi vocant. Ramhndt.

What Doggs a man may keepe in the Forest.

These little Doggs called Velteres, and ſuch as are called Ram-hundt, all which Dogges are to ſit in ones lap, they may be kept in the Forest, becauſe in them there is no daunger, and therefore they ſhal not be hoxed, or haue their knees cutt: but althought they be lawfull Doggs, they muſt be lawfully vied and kept as it doth appeare by the next Canon.

33 Quod si casu inauspicato huiusmodi canes rabidi fiant et vbique vagantur negligentia dominorum, redduntur illiciti, et emendetur Regi pro illicitis &c. Quod si intra septa Forestæ reperiantur, talis exquiratur herus, et emendet secundum precium hominis mediocris, quod secundum legem merimorum est ducentorum solidorum.

The price of a meane man.

If by miſfortune ſuch a kinde of Doggs doe become to madd & ſauag and do runne

vp and downe euery where, by the negligence of their maiſter, and ſo do become vnlawful, then the owner muſt yeeld a recompence to the King for their vnlawfulnes. If they be found within the circuit of the Forest: then the maiſter of ſuch Doggs muſt be ſought out, and he ſhall yeeld recompence according to the eſtimation of a meane man, which according to the auncient Lawe is ten poundes.

34 Si Canis rabidus momorderit feram, tunc emendet secundum precium hominis liberalis quod est Duodecies solidis Centum. Si vero feræ regalis mors fuerit, reus sit maximi criminis.

The price of a freeman.

If a greedy rauening Dogg doe bite a wild

beaſte in the Forest, then the owner ſhall yeeld recompence for the ſame, according to the price of a freeman, which is twelue times a hundred ſhillings. But if he doe bite a Royall beaſt, then he ſhall be guilty of the greateſt offence.

And

And these are the Constitutions of Canutus, concerning the Forest: very barbarously translated out of the Danish tongue into Latin, by those that took the same in hande. Howbeit, as I finde it, so I set it downe, without any alteration of my Copie, in any tote or title: which for the moze ease, pleasure, and better understanding of them that shall reade these aunient Lawes of King Canutus, I haue heere translated them out of Latin into English verbatim, as neere as in sence the same may be made to agree together, as heereafter followeth.

Here beginneth the Lawes of the
Forest, of King *Canutus*.

THese are the Lawes of the Forest, which I King Canutus with the Counsell of my cheefe men do make and establish, to that end that Peace & Justice might be ministered to all congregations of our Realme of England: and that euerie man that doth offend, may be punished according to the manner of the offence, and of him that doth offend,

1 Nowe from hence forth, let there be foure men of the best account, which haue their free customes & duties serued, which Englishmen do call Pegened, appointed throughout the Province of my realme to administer Justice to al my people throughout all my Realme of England, as well to Englishmen as to Danes, together with condigne punishment for the offences of the Forest: which foure men of the Forest, we haue determined to call them Primarios, that is to saie, the cheefe men.

2 Let there be vnder euerie one of those foure cheefe men of the Forest, foure meane men placed, which Englishmen call Lespegend, but Danes do call them pong men; which shall take vpon them the charge and burthen, both of Tere and Venison.

3 But in the execution of Justice, I will that in no wise such foure cheefe men, doe let in or suffer such meane men to ioyne with them therein. For after that they haue taken vpon them the charge of the wilde beastes, they shal alwaies be accounted for freemen,
which

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9

which the Danes doe call Eldermen.

4 Again, under euery one of these meane men, let there bee two of the least men of account of the Forrest, (which Englishmen doe call Tync-men, these persons shall undertake the seruile labour, and also the night charge of Wert and Wenslon.

5 If such a seruile officer shall fortune to be a bondman, so soone as he shall be placed in our Forrest, let him be made free of his bondage: & all these persons we will maintaine of our owne costes.

6 And also, euery one of the saide foure cheefemen, shall haue for euery yere of our allowance, (which the Danes doe call Michoi) two Horses: one of them with a Saddell: an other of them without a Saddell: One Sworde. 5. Iauelins, one speare, one Shilde, and 7. li. in money.

7 And euery one of our saide meane men, shall haue for euery yere one Horse, one Iaueline, one Shilde and iii. li. in money.

8 And euery one of the saide seruile persons, shall haue for euery yere, one Iaueline, one Crolbowe, and 10. shillings of money.

9 Let aswell all the saide foure cheefe men, as also the saide meane men, and the foresaide seruile officers be exempted and discharged from paying of any tribute, & also free and acquitted from all prouinciall summons, and popular plects, which Englishmen doe call Hundred laghe: and also from all charges of Armour, which Englishmen doe call Warfcor, and also from foraine lutes.

10 The causes & offences of these meane men & seruile persons: & the correction of them, as wel such causes & offences as are Criminall, as those that are Ciuil, shal be adiudged & decided by the prouident wisdome and discretion of those foure cheefe men: but the offences of those foure cheefe men, if any shal fortune to be, lest that any haynous offence should remaine vnrenewed, wee our owne selves shal punish the same in our Royall displeasure.

11 These foure cheefe men, shall haue one Roiall authoritie (sauiug vnto vs our owne Roiall presence:) and foure times in the yere they shall keepe theire generall Sessions, or placs of the

Forest, & all forfeitures, as well of Clerk, as of Censuror: (which Englishmen do call Much-hunt,) where they shall hold place of any matter concerning the Forest. And they shall proceede to a thre folde Judgement, which Englishmen do call of Gangsardell: and this thre folde Judgement is thus to be had: Hee that is accused, must take with him selfe and other persons, and himselfe must be the first person: and so in swearing he shal haue a thre folde Judgement, or thre folde oath. But for any person to haue his triall or purgation by Fire, is in nowise to be allowed or appointed, except it be where the manifest trueth cannot otherwise be found out.

12 But a freeman, which Englishmen (call Pegen) hauing his offence depending: although he bee not within the compasse of the Seas, yet hee may haue a trustie or faithfull friend that may sweare his oath for him: (which Englishmen call Fore-reath,) but if he haue not such a trustie man to sweare for him, he him selfe shall sweare the oath, neither shall he be pardoned for any oath.

13 If a straunger, or pilgrime, which hath come from a far Countrey, be accused of the offences of the Forest: and his pouerty is such that he cannot haue a pledge, such as he ought to haue: at the first accusation no Englishman may ad iudge him thereof: then he must indure the Kinges imprisonment, and there remaine vntill he may proceed forward to iudgement of the Iron, and Lincet. And yet notwithstanding, if any person do hurt vnto him that is such a straunger or pilgrime, coming from a far Countrey: if those foure cheefe men shal determine any iudgement against the same stranger, the same Judgement shall be vnto him that do hurte the same straunger.

14 Whosoever shall beare false witness befoze my said foure cheefe men of the Forest, & shal be convicted thereof, afterwarde he is not worthy any more to be allowed a witness, or to beare any witness, for because he hath lost his ability therein, & for that offence he shal paie vnto the King ten shillings: which the Danes do call Halsehang, alias Hallsang.

The Lawes of the Forrest.

11

15 If any man shall offer any force to my said cheefe men of my Forrest, if he be a freeman that shall offend, he shall lose his libertie or freedome: and all that he hath: but if he be a bondman, then his right hand shall be cutt.

16 But if either of them shall offend againe, then he shall be adiudged guilty of death for the same.

17 But if any man shall contend in lawe with any one of our cheefe men aforesaide against him, then he shall make recompence for the same to the King, according to the worth of him selfe, which Englishmen do call Pere et Pice: and also shall paye vnto our cheefe man for the same forty shillings.

18 If any man shall breake the peace of the King, in the presence of our meane men of the Forrest aforesaide, (which Englishmen do call Gerh-brech: he shall paye recompence to the King for the same, ten shillings.

19 If any of our meane men aforesaid with his wrath shall strike any man, let him make such recompence to the King for the same, as was accustomed to be made to me for the killing of a roial wilde beast.

20 If any man be taken offending in our Forrest, it is conuenient for him to be punished, according to the maner and kind of his offence.

21 The punishment of a freeman (whom the Danes do call Eldermen, shall not be one and the selfe same punishment of a man that is seruile, or not free: Of a seruant and a maister: Of a man that is knowen, and of him that is not knowen: Nor the punishment of Criminall causes, & of Civil causes haue one, and the selfe same: Nor of wilde beasts of the Forrest, a roiall wilde beast: nor the destroying of Hert & of Clemison, for the offence of Clemison or hunting, not vntwoythely haue bene accounted amongest the greatestt offences of the Forrest, euen of auncient time. But the offence of Hert (except it be for the breach of our Roiall free chase, it is so little, and of so smal an account, that this our Constitution or Law, doth scanty respect the same. Yet notwithstanding, he that shall offend in this offence, let him be accounted guilty

of an offence of the Forest.

22 If any freeman shall chase away a Dere, or a wilde beast out of the Forest: whether the same were done by chaunce, or of a set purpose, so that thereby the wilde beast is forced by swift running to spill out the tong, or to breath with his tong out of his mouth: he shall paie to the King ten shillings for amends for the same offence: but if he be a setulle person, then he shall double the same recompence: but if he be a bondman, then he shall lose his Skinne.

23 But if any of these men shall kill a wilde beast of the Forest, let him paie double recompence for the same: and also let him paie besides, even to the vetermost valew that he is worth: and he shall be accounted as an offender against the King.

24 But if either of them shall chase a Roiall wilde beaste of the Forest (which Englishmen doe call a Stagon:) and thereby shall force him to hang out the tounge with swifte running, then the one of them which is a freeman, shall lose his naturall libertie for one whole yeere: and the other of them that is not a freeman shall lose his naturall libertie for two whole yeeres. But if he be a bondman, then afterwards hee shall bee taken for an out-law, (which Englishmen do call Frendlesman.)

25 But if a freeman shall slea a wilde beaste, he shall lose the defence of his libertie, but if he be not a freeman, then he shall be imprisoned: but if he be a bondman, then he shall lose his life.

26 By Bishops, Abbottes, and Barons, shall not be accused for hunting, if they do not kill wild beastes that be Roiall beastes: but if they doe kill Roiall beastes of the Forest, then they shall depend vpon the King for his determination of that matter, without any certaine fine.

27 Besides the wilde beastes of the Forest, there are other wilde beastes, which so long as they are remaining within the bandes and limittes of the Forest, they are subiect to the punishment of the Lawes of the Forest, such are wild Goats, Hares, and Conies. And there are also diuers other wilde beastes, which although they do liue and remaine within the bounds and limits

of

of the Forrest, & are subiect to the charge & burthen of the Regarders of the Forrest, yet they cannot be accounted or takē to be of the Forrest: such are wilde Horses, Bugalls, wilde Kine, and such like. Foxes and Wolves, are not accounted beastes of the Forrest, nor of Venerie, and therefore the killing of them is not subiect to any recompence for the same; yet notwithstanding, if they be killed within the boundes of the Forrest, it is a breach of the Kings Roiall free chase, and for that cause the offender must make a recompence: but a wilde Beare, although he be of the Forrest, yet he is not accounted to be accounted a beast of Venerie.

28 A man shall laie his hande to our great Wood, or vnder-wood, within our demeanes, without licence of our Verderers, or cheefemen of the Forrest, the which if any man shall doe the contrarye, he shall be guilty of the breach of the Kings Roiall free chase.

29 But if any man shall cut downe a Holly Tree, within the Forrest, or any other Tree which doth beare fruite or sode for the wilde beastes of the Forrest, he shall paie vnto the King twentie shillings for amendes or recompence, ouer and besides the breach of the Kings Roiall free chase.

30 I will that every freeman may take Vert and Venison at his owne pleasure, vpon his owne ground in his owne plaines, or fildes; being without my free chase: but every man must re- strain from my Venery, whithersoever I will haue the same.

31 None of the meane men shall haue or keepe any Dogges (which Englishmen doe call Grey-hounds: but it is Lawfull for a freeman to haue and keepe Grey-hounds when they are boxed, that is to say, that they shall haue their knees cut before a Verderer of the Forrest. And it is Lawfull for freemen to keepe Grey-hounds without cutting of their knees when they doe dwell without the Forrest, and from the boundes of the Forrest ten miles distant, but when they doe come nearer to the Forrest then ten miles, they must paie a recompence vnto the King, for every mile a shilling. But when those Grey-hounds be founde within the boundes of the Forrest, the owner of the Dogg shall forfeit both the same Dogg, and also ten shillings to the King.

32 But it shal be lawfull for every bodie to keepe litle Dogges called Velters (that is to saie litle boundes; whiche Englishmen doe call Langeran,) without cutting of their knees, because it doth manifestly appeare that there is no danger of them: and the same is of litle dogges called Spanels, which Englishmen doe call Rambunde: but this is ment of those that are so litle, that they may sit in a mans lap.

33 If that such dogges by misfortune doe become madd or wilde, and do ranne about euery where by the negligence of their maister, and doe become unlawfull: then the owner of the same dogges shal paie a recompence to the King for their unlawfulness. If that they be founde within the boundes of the Forest; such a maister must be fought out, and he must paie a recompence to the King for the same according to the valewe of a meane man, which according to the auncient Lawe, is ten poundes.

34 If a greedy rauening dogg shal bite a wild beast, then the owner of the same dogg shal yeeld a recompence to the King for the same, according to the valew of a freeman, which is twelue times a hundred shillings. If a Roial beast shal be bitten, then the owner of the dogg shal be guilty of the greatest offence.

And note that in the aforesaide Canon the Eleuenth: there is mention made of Purgatio ignis: which manner of triall by fier, I thinke is very darke to many, that almost haue neuer heard of it: for that it is now long since the same was in any great vse in this Land of England: and yet it doth seeme by diuers Auncient writers, that in times past, it was a common vslage to trye men whether they were guilty of any offence or not, by the Ordalian Lawes, as it doth appeare by Holanshed his Chronicle in the description of Brittain *Fo 98* in (a) sine Columb the first in sine ibidem where it is written thus as it followeth.

Holanshed, in
his description
of Brittain,
fol. 98.

The

THE Ordalian Lawe (saith the foresaid Author) was a certaine manner of purgation used two wayes, Whereof the one was by fier, the other by Water. In the Execution of that which was done by fier, the partie accused shoulde goe a certaine number of paces with an hote peece of Iron in his hande, or els bare footed vpon certaine Plough-shares redd hote according to the manner. This Iron was sometime of one pound weight, and then was it called Single ordalium: some times of three, and then was it named Treble ordalium. And whosoever did beare or tread on the same without hurt of his bodie, he was adiudged guiltlesse, other wise if his skinne were scorched, he was forthwith condemned as guilty of the trespassse wherof he was accused.

Vide Grafron pag. 180
That Emma the mother of King Edward the Confessor was accused of the death of her sonne, for which shee was adiudged by Robert Bishop of Caunterburie, to her tryall, by the Ordalyan

Lawes, and so shee was ledde blyndfold between two men, to passe ouer 9. Plough-shares which were glowing redd hote: and (as Chronicles do report) shee did passe ouer them barefooted without hurt, before shee thought shee had beene come to them.

There were in like sort two kindes of trial by the Water, that is to say, either by hott or cold: and in this trial, the party thought culpable, was either combled into some Pond or huge vessell of cold water, wherein if he continued for a season without wrynging or struggling for life, he was forthwith acquitted as guiltlesse of the fact wherof he was accused: but if he began to plunge and labour once for breath, immediately vpon his falling into that liquo, he was by and by condemned as guilty of the crime. Or els he did thrust his arme by to the shoulder for a lead, Copper, or Calozen of seerhing water, from whence if he withdrew the same without any manner of damage, he was discharged of farther molestation: otherwise he was taken for a trespasser, & punished accordingly. The Fiery manner of purgation belonged only to noble men and women, and such as were free bozne: but the husbandmen & Villaines were tried by water. The prayers, ceremonies, holy vestures, masses, and all things that were used in the execution thereof, you may see at large in Hollandshed his description of Brittain. fol. 98. 99. & 100.

Note that these Lawes were long before the Conquest, and did continue vntil the time of King Iohn, and then he did banish them, as Polidore Virgil, Holansted, & Supplementum Croniconum do witnesse.

This

In what time
Canutus made
these Lawes.

The antiqui-
tie of Forest
Lawes.

The antiqui-
tie of Forestes.

The significa-
tion of this
word Forest.

THIS Canutus was King of England in the yeare of our Lozde 1018. and William the Conqueror was King of England in the yeare of our Lozde 1067. which is by computation iust 49. yeares before the Conquest that these Lawes were made: which also is now in this yeare of our Lozde 1592. iust 574 yeares since the making of these Lawes of King Canutus, which is verie auncient: and yet it doth seeme that Forestes themselues are much more auncienter than these Lawes are. For it doth appear that Forestes were long before Christ his time, as the Scripture doth testifie in the second booke of Kinges Cap. 19. ver. 23. in these wordes: I will go into the lodgings of his borders, and into the Forest of his Carmell. And also in the second booke of Kings, Cap. 2. vers. 24. in these wordes: Two Beares came out of the Forest and tare in peeces 42 children that mocked *Elisba*, by which wordes of the Scripture it doth not onely appeare that there were Forests then, but also it doth manifest vnto vs what manner of wild beastes were in those Forests at that time, as Beares and such like. And in the 104 Psalme of Dauid, vers. 20 in these wordes: Thou makest darknes, and it is night, wherein all the beastes of the Forest creepe forth. And in the 131 Psalm vers. 6. in these wordes: Lo, wee heard of it at Euphrates, & found it in the Fields of the Forest: so that you may see that there were places of refuge for wilde beastes to abide in, even at that time: which places of Refuge for wilde beastes were and yet are called Forests, that is to say where wilde beastes of Genery may haue a place of some peace for rest.

The

OMnes forestæ, quas H. auus n^r afforestauit: videantur per bonos & leg. homines, & si boscum aliquem aliud quam suum dominicum afforestauerit ad damnum illius, cuius boscus ille fuerit statim deafforestetur. Et si boscum suum proprium afforestauerit: remaneat foresta salua communia de herbagio & alijs in eadem foresta illis, qui prius eam habere consueuerunt. *Carta de foresta. ca. 2.*

2 Homines vero qui manent extra forestam non veniant de cetero coram Iustic. nostris de foresta per communes summonitiones, nisi sint implacitat^r vel plegij alicuius vel aliquorum, qui attrachiati sunt propter forestam. *Carta de foresta. ca. 3.*

3 Omnes autem bosci qui fuerunt afforestati per regem Richardum auunculum nostrum, vel per regem Iohannem patrem nostrum, vsque ad primam coronationem nostram, statim deafforestantur nisi sit dominicus boscus noster. *Carta de foresta. cap. 4.*

4 Archiepiscopi, Episcopi, Abbates, Priores, comites, Barones, milites, & libere tenentes, qui habent boscos suos in Forestis, habeant boscos suos sicut eos habuerunt tempore primæ coronationis regis Hen. aui nostri: ita quod quieti sunt imperpetuū de omnibus purpresturis, vastis & assertis factis in illis boscis, post illud tempus vsque ad principium secundi anni coronationis nostræ. Et qui de cetero vastum purpresturam vel assertam sine licentia nostra in illis fecerint, de vastis purprestur. & assertis nobis respondeant. *Carta de foresta. cap. 5.*

5 Regardatores nostri eiant per forestam ad faciend^r regardum sicut fieri consuevit tempore prime coronationis regis H. aui nostri, & non aliter. *Carta de foresta. cap. 6.*

6 Inquisitio vel visus de expeditatione canum existentium in foresta nostra de cetero fiat quando fieri debet regardum, scilicet de tertio anno in tertium annum, & tunc fiat per visum & testimoniū leg. hominū: et non aliter. Et ille cuius canis inuentus fuerit tunc non expeditatus, det pro mīa tres solidos: et de cetero nullus bos capiatur pro expeditatione canum. Talis autem expeditatio fiat per assisam comuniter vfitatam, v^z, quod tres

ortelli abscindantur sine peltota de pede anteriori. Nec expeditent canes de cetero nisi in locis vbi consueuerunt expeditari tempore primo coronationis p̄dicti reges Henrici aui nostri. *Car. de Fo. cap. 7.*

7 Nullus forestarius vel bedellus de cetero faciat scotalas vel colligat herbas, vel aueniam, vel bladium aliquod vel agnos vel porcellos, nec aliquā collectam faciat, nisi per visum et sacrū xij. regardatorū quando facient regardū. Tot Forestarij ponantur ad forestas custodiend. quot ad illas custodiend. rationabiliter viderint sufficere. *Carta de Foresta cap. 8.*

8 Nullum Swanimotum de cetero teneat in regno nostro, nisi ter in anno, v. z. in principio xv. dierum ante festum sancti Michaelis & qn' agistatores nostri conueniunt ad agistand. dominicos boscos nostros, & circa festum sancti Martini in hyeme, qn' agistatores nostri debent recepere pannagium nostrū. Et ad ista duo swanimota conueniant forestarij, viridarij, et agistatores, et nulli alij per distinctionem. Et tertium swanimotum teneatur initio. xv. dierum ante festum sancti Iohannis Baptiste, quando agistoris nostri conueniunt pro venatione bestiarū nostrarū. Et ad illud swanimotum tenend. conueniant forestarij viridarij & non alij per distinctionem. Preterea singulis xl. diebus per totum annum conueniant forestar' & viridarij ad vidend. attachiamenta de foresta tam de viridi quam de venatione per presentationem ipsorum forestariorum et coram ipsis attachiar'. Pre-
dicta autem swanimota non teneantur nisi in com, in quibus tene-
neri consueuerunt. *Carta de Foresta ca. 6.*

9 Vnusquisque liber homo agister boscum suum in Foresta pro voluntate sua, & habeat pannagium suum. Concedimus Etiam quod vnusquisq; liber homo ducere possit porcos suos per dominicū boscu nostrū libere et sine impedimento ad agistand. eos in boscis suis proprijs vel alibi vbi voluer'. Et si porci alicuius liberi hominis vna noct. per noctauerint in Foresta nostrā inde occasionet', vnde aliquid de suo perdat. *Carta de Foresta. cap. 10.*

10 Nullus de cetero amittat vitam vel membra pro venatione

natione nostra sed si quis captus fuerit & conuictus de cap-
tione venationis nostre, grauiter redimatur, si habeat vnde
redimi possit. Si autem non habeat vnde redimi possit, iaceat
imprisona nostra per vnum annum et vnum diem. Et si post
vnum annum et vnum diem plegeos inuenire possit, exeat de
prisona, sin autem abiuret regnum Anglie. *Carta de Fo-
resta cap. 11*

11 Quicumq; archiepiscopus, episcopus, com. vel baro, veni-
ens ad nos ad mandatum nostrum, transierit per forestā nostram
liceat ei capere vnā bestiam vel duas per visum forestarij si presēs
fuerit, sin autem faciat coronare, ne videat hoc furtum facere.
Item liceat eis redeundo facere sicut predictum est. *Carta de Fo-
resta cap. 12.*

12 Vnusquisq; liber homo de cetero sine occasione faciat in
bosco suo vel in terra sua siue in aqua, quam habet in foresta no-
stra, molend. viuar. stagn. marleram fossat. vel terram arrabilem;
extra coopare in terra arabili: ita quod non sit ad nocument.
alicuius vicini. *Carta de Foresta. cap. 13.*

13 Vnusquisq; liber homo habeat in boscis suis areas, ac-
cipitrum, speruar, falconum, aquilarum, et hieronum, habeat
similiter mel quod inuent fuerint in boscis suis. *Carta de Fo-
resta cap. 14.*

12 Nullus forestarius de cetero quinon sit forestarius de
feod.: reddens nobis firmam pro balliua sua, capiat chymma-
gium aliquod in belliuā sua. Forestarius autem de feodo fyr-
mam nobis reddens pro balliua sua, capiat chimmagium vide-
licet pro caresta per dimid, annum duos denarios, et per alium
dimidium annum duos denarios & pro equo qui portat summa-
gium per dimidium annum obolum, et par alium dimidium
annum obolum, & non nisi de illis qui extra balliuam suam
tanquam mercatores veniunt per licentiam suam in balliuā suam
ad buscam maremium corticem vel carbonem emend. et alibi
ducend. ad vëdend. vbi voluerint. Et de nulla alia caresta vel de
sumagio aliquo alio chimagium capiatur. Et non capiatur chima-
giū nisi in locis in quibus antiquitus capi solebat et debuit: illi au-

tem qui portant supra dorsum ſi ū buſcam corticem vel carbonē ad vendendum quamuis inde viuāt nullū de cetero dent chimmagium foreſtarijs noſtris, preterquam in dominicis boſcis noſtris. *Carta de foreſta. ca. 15.*

15 Omnes vilagati pro foreſta tñ a tempore regis H. auī noſtri vſque ad primam coronationem noſtram veniat ad pacem noſtram ſine impedimento, & ſaluos pleg. nobis inueniant, quod de cetero non forisfacent nobis in foreſta noſtra. *Carta de foreſta. ca. 16.*

16 Nullus conſtabularius, caſtellanus, vel balliuus teneat placita de foreſta ſiue de viridi, ſiue de venatione : ſed quilibet foreſtarius de feodo attachiet placita de foreſta : tam de viridi quam de venatione, & ea preſentet viridarijs prouinciari m. & cum irrotulata fuerint, & ſub ſigillis viridariorum incluſa : preſententur capitalibus Juſtic. noſtris de foreſta, cum in partes illas venerint ad tenend. placita de foreſta, & coram eis terminantur. *Carta de foreſta. ca. 17.*

17 De malefactoribus in parcis & viuarijs nondum eſt diſcuſſum, quia magnates petierunt propriam priſonam de illis quos caperent in parcis & vivarijs ſuis quod quidem dominus rex contradixit, & ideo differt. *Mar. cap. 11.*

18 Pourueu eſt enſement de miſſeours en parkes et en biſſes que ſi nul de ceo ſoit atteint per le ſuite del pleintſſe, ſoint agardés bones et hautes amendes ſolouque le maner de treſpas, et ept la priſonment de trois ans, et diſlonques ſoit reint a la volonte le roy ſil ad de quoy poet eſtr. reint, & loys troua bon ſuertie qui iapmaies ne miſſace. Et ſil neit dount poet eſtre iſſint reint apres la priſonment de trops ans: troua meſme la ſuertie. Et ſil ne puis trouer la ſuertie ſoziur le Roy alme. Et ſi nul de ceo rette ſoit ſutue et neit terre ne tenement ſuffiſant per quoy il poet eſtre iuſtice ſi toſte come le roy auera ceo troue per bon inqueſt, ſoit de maund de countie en countie. Et ſil ne beigne, ſoit deſlage. Pourueu eſt enſement et accorde, que ſi nul ne fuiſt dedeins lan & le iour pur le treſpas fait, le roy auera le ſute, et ceux que trouera de ceo rettes per bon inqueſt, ſerront punis per meſme le maner en toutz points,

poines, sicome de suis est dit. Et si nul tiel messesoz soit atteint, qui il est pyys en les parkes bestes domestres, ou anter chose en le maner de robbery, en beuaunt, en demurrent, ou en retournant, soit fait de luy commune ley, qui affiert a celui qui est atteint de ap- pert robbery & larceny auxibien la suite le Roy come dautre. *III. 1. cap. 21.*

19 Siquis forestarius parcarius aut warennarius in balliua sua malefactores aliquos inuenerit vagantes ad damnum ibidem faciend'. Et qui se forestarius aut warennarijs illis post clamorem & hutesium leuat' ad pacem regis ad stand' recte reddere noluerint immo ad maliciam suam exequend' & continuandū, et pacem regis diffugiend' fugam fecerint, et vi et armis se defenderint, licet forestarij, et parcarij & warrennarij illi, aut alij quicunque, ad pacem domini regis existentes in communitatiua forestariorum, parcariorum aut warrennar' illorum venientes ad tales malefactores sic inuentos arrestand' seu capiend' aliquem seu aliquos huiusmodi malefactorum interfecerint non propter hoc occasionentur coram domino rege & iustic. quibuscunque aut alijs balliuis domini regis seu aliorum quoruncunque infra libertatem aut extra. Nec propter hoc amittant vitam aut membrum, aut aliam penam subeant, imo firmam pacem domino regis inde habeant, sed bene caueant forestarij, parcarij warennarij & alij quicunque ne occasione contentionis discordi contumelie aut alicuius maleuolentie seu odij prehabit' aliquibus per balliuis suas transeuntur maliciose imponant, quod occasione malefaciendi in balliuis suis intrant cum hoc non fecerint, nec ipsos vagant' vt malefacient' nec malefacientes inuenerint, nec causam malefaciendi querentes sic eos occidant. Quod si fecerint, & de hoc fuerint conuicti, fiat de morte sic interfectorum prout aliorum ad pacem domini regis existentium, & prout de iure & secundum consuetudinem regni fuerit faciend. Sta, de malefactoribus in parcis edit. *An. 21. E. 1.*

20 Come aucuns gentes, queux sont myles hoys de forest per le purtieus, et par les grands homes, queux a nostre sire le roy et- ent requise a del parlement, que ils soyent quites de la porture et

des choses que les forestres leur demaudent si come ils solent auant faire. Nostre sye le roy respond pimes, que il ad graunt la purlieu, que luy pleist bien que il estoile auxi come il ad graunt, iasoyt ceo, qui la besogne estoit seue et demaund en malueis point, mes a meins entend il, et boet que tous les demeins terres, quel partie que ils sont, queux ont este de la corone, soient recognes per bope deschete, ou en auter maner eyent eschete de frank chafe, et de franke garreine et en tiel maner soient tenus et gardes a son oepes pour toutes maners dischetes, & pur tout maner dedeins, qui ly plera. Et en droit de ceux queux ont terres & tenementes de la forest par la dist purlieu, et queux demaundont dauer comme dedins les boundes des forestes: entencion et volonte nostre sire le Roy est puis que la ou le purlieu est ilz claimont estre quirs de porture des forestes, & come le bests le roy ne poient auer ie haunt ne leur repaire sur les terres des forestes sy come ils auoient tanquez come mesmes estoient dedeins forestes, qui cels gents ne deuoiert au comen nautre element dedeins les boundes des boys ne des terres queux demurgent en forestes mes si aucun de ceux queux sont dist foresta par la purlieu, boillent meux este dedeins forest come auant fuerent de boys sicome ils sont oze, il pleyst bien au roy, que ils soient a ceo rescue issint que ils puissent demurrer en leur estate, auxi et compne et auter casement auer dedeins cestes forestes auxi come ils auoient auant. Per que nostre sye le Roy boet et command qui les iustices de les forestes de ceo a Trent, & de la Trent ensement teignent et gardent et tener et garder facent fermement les dyts payntes en leur baillez en la forme auant dyt. Ordinatio de foresta ebit. Anno. 33. Edwardi. 1.

21. Si quis forestarius inuenerit aliquem attachiabi. pro viridi in foresta primo debet ipsum attachiare, per duos pleg. si unt presentes, sin a utem duci debet ad proximam villam, vbi inueniantur. Et si idem inueniatur alias debet ipsum attachiare per quatuor pleg. & si tercio, coram viridarijs debet presentare & poni per octo pleg. Postea, post tertium attachiamentum corpus

corpus dehet attachiari & retinere, vt memoriam habeat' quid viridi sit.

Sciendum, quod omnes arbores fructū non portantes, & hæ quæ fructum portant per totum annum, & fraxinus si antiquitus fuerint in foresta, & arabil' quia dominus rex est in seilina.

Si quis inuentus fuerit extra dominicum, boscum, & infra rewardum prosternens quercum sine visu aut liberatione forestarij aut viridarij debet attachiari per quatuor pleg. et per visum viridar', debet quercus appreciari, & en rotulo forestar, & viridar. nomina pleg. inbreuiari.

Si quis inuentus fuerit in dominico domini regis asserrando, vel purpresturam faciendo corpus debet protinus retineri. Si autem extra dominicum infra rewardum, debet poni per vi. pleg. Et si alias inueniat' debet duplicari eius pleg. Si tertio corpus debet retinere.

Si quis attachiabilis fuerint, contra vad. & pleg. debet distringi per catalla sua infra metas forestæ inuenta. Si autem defecerint, corpus eius detineatur, quousque fecerit, quod debuerit. Et si extra metas forestæ fuerit manens, nomen eius & villa vnde sit irrotuletur.

Liberatio autem houscbote & haibote fiat, prout boscus pati potest in statu. quo est, & non ad exigentiam petentis, nec potest aliquid dare, nec vendere de bosco sine waranto domini Regis.

Si aliqua fera inueniat' mortua, vel vulnerata, debet fieri inquisitione per quatuor villatas propinquiores foreste, quæ notent in rotulo. Inuentor ponatur per vi. pleg. & caro mittatur ad domū leprosi, si qua prope fuerit per testim. viridar. & patrie. Si autem nulla talis domus prope sit, caro debet dari infirmis & pauperibus. Caput & pellis tradantur liberis proximæ villæ. Et sagitta, si qua inuentus fuerit presentetur viridar. & in rotulo suo irr.

Si leporarij inuenti fuerint currentes ad aliquod nocumentū, forestar, debet eos retinere & presentare in presentia viridariorum, & mittere eos domino regi, vel capitali iustic. forestar.

Si

Si quis mastiuus inuentus fuerit super aliquam feram, & mutilatus fuerit: ipse cuius erat quietus erit de illo factus. Si non fuerit mutilatus, ipse, cuius fuerit mastiuus, erit culpabilis tanquam de manupasto. Et debet poni per sex pleg. quorum nomina habet inbr', & etiam qualis fuerit canis.

Si quis ceperit feram sine waranto in Foresta, corpus suum arretetur, vbicunque inueniatur infra metas Forestæ. Et quando capus fuerit non deliberetur sine speciali precepto domini regis, vel capital' iustic. forest.

Si quis viderit aliquos malefactor' infra metas forestæ aliquā feram capere vel asportare debet illos capere secundum posse suum. Et si non possit, debet leuare hutesum & crie; Et si non fecerit, remaneat in misericordia domini regis.

Si quis woodward' viderit malefactores in sua custodia, vel feram bestiam, viderit mortuam: debet monstrare capitali forestario, vel viridario. Et si non fecerit, & forestarius domini regis tale delictum in bosco suo infra rewardum inuenerit: ille boscus capiend' est in manum domini regis per preceptum regis, vel capital. iustic. sui: et woodwardus atrachiabilis est per quatuor pleg.

Si quis habuerit boscum iuxta dominicum boscum domini regis, licitum est ei postquam dominice haie agistate sunt, habere tempore pannagij, tot porcos, quot boscus per visum forestar' viridar', regardatorum agistatorum & aliorum proborum hominum possit pati, & hoc fiat de exitu porcorum.

Sciendum quod tempore pannagij quando agistamentum debet fieri debent forestarii, viridarii, & agistatores assensum intimare iustic. forestæ domini regis, & inquirere voluntatem & fiat agistamentum ram in dominicis hais, & boscis, quam in forinsecis: et secundum mandatum suum & tenorem literarum debet fieri agistamentum quas literas debet habere coram iustic. de foresta prox' itinerantibus. Et preceptum est quod deinceps capiatur pro quolibet porco quantum potest ad opus domini regis pro pannagio, vibelicet vnus vel duo denarii. De porcellis aut fiat, sicut presolutum est.

Si quis in alio com' posuerint, vel voluntarie permiserit aueria sua ire infra metas forestæ forestar' retineat aueria per vad' & sal,

sal. pleg. Quod si non poterit per testimon' viridar' debet vic. illius com' intimare, vt ipse districtionem faciat, quousque plegios inuenerit. Si vic. non fecerit, debet forestar' hoc intimar' iustic.

Nullus messarius ducat secum malthuum magnum, ad fugad' feras domini regis, sed paruos catul' ad expectand' extra coopertum.

De his qui clamant habere libertates sicut canes in expeditatos & leporarios, infra metas forestar', nihil eis faciend' sine waranto domini regis, vel iustic. suorum.

Boscus remanens in manu domini regis per vnum annum & vnum diem, in voluntate regis est nisi recuperetur per iudiciu' iustic.

Omnes mete forestar' integre sunt domino regi.

Licetum est abbati de Burgo sancti Petri venari & capere lepores, vulpes & mureleges infra metas forestar', & habere canes in expeditatos, quia sufficientem inde habet warantum?

Quando viridarij ceperunt inquisitionem vnus apponat sigillum, & alius rotulum teneat, et sic de fortuna in fortunā vsq; ad aduentum iustic. tunc primo die ipse & omnes ministri presentabunt rotulum, aut amercientur, & manucapti pro foresta eo die proferantur aut manucaptio incuratur.

Homo tachiatus pro ramis cesis, placitum illud pertinet ad Swanimotum coram senescallo: & attachiatus pro quercu prostrata in dominica regis vel alterius, pertinet coram iustic. Et si noſtantur alicubi fecerit, iacet imprisonment.

Attachiatus ad Swanimotum pro viridi non presentate ad proximum ad aliud presentatio non preiudicet, sed capiat forestar' pro congelamento, et eat attachiatus quietus per assisam.

Si forestarius in dominico bosco regis consensat delicto capiat Rex suo superiori & sibi, si superites sit boscos, vastatus ad quodlibet iter iustic. dabit domino regi dimidiam marcem. Consuetudines & assisa forestar'.

22 In primis ordinauimus pro nobis & hered' nostris quod de transgr. in forestis nostris de viridi & deuagatione de cetero

D

fac.

Present. fac. forestarii infra quorum balliuis huiusmodi transgressi fieri
Swanimote contigerint, presentent eadē ad proximum Swanemotum coram forestarijs, viridarijs, regardatoribus, agistatoribus, & alijs earundem forestarum ministris, & super presentationibus huiusmodi ibidē coram forestarijs, viridarijs, & omnibus alijs ministris supradictis per sacrum tam milie quam aliorum proborum & legalium hominum de partibus vicinioribus, ubi transgressiones sic presentate facte fuerint, non suspectorum per quos rei veritas plenius inquiratur, et sic inquisita veritate, presentationes ille, per communem concordiam & assensum omnium ministrorum prædictorum solemniter roborentur, & sigillis suis sigillantur.

Ooth. Et si alio modo fiat indictus, pro nullo penitus habeatur. Et si aliquem forestariorum prædictorum regardatorum, aut aliorum ministrorum ipsarum forestarum abire contingat, seu peregritudinem vel alio modo impedire, quo minus interesse valeat huiusmodi Swanemotis, incontinenti Iustic. foreste, seu locum eius tenens, ponat alium locum suo ita videlicet quod indictamentum fiat per omnes in forma prædicta. Quodque ministri que ponendi sunt, ponantur, sicut hæctenus fieri consuevit, exceptis viridarijs, qui per electionem, et per breue nostrum deputabuntur.

Verderors. Et volumus, quod nullus ministrorum prædictorum in assis
Election. iuratis, seu inquisitionibus capiendi extra forestam de cetero ponatur. Et si super oneratio forestariorum aut aliorum, qui segerant ut ministri foreste, inueniatur, amoveantur huiusmodi superonerantes, & imprisonentur secundum discretionem Iustic. foreste, vel eius locum tenent. Nec non & illi, per quos positi fuerant ad voluntatem nostram similiter puniantur. Et ad quodlibet Swainem inquiratur de superoneratione forestariorum et aliorum ministrorum foreste et de eorum oppressio-
Iurour. nibus populo nostro illatis, et fiant inde emende et punitiones,
Surcharge of Foresters prout superius est expressum.
Impris.
fol. 185.

Punishment Quod ad illos vero, qui tempore, quo foresta deofforestat
Swanimote fuit, transgressiones de viridi aut venatione in foresta fecerint
Surcharge de

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de afor eandem, et vi sententia excommunicationis incontrouenientes fulminetur quanquam de nostra bona voluntate minime processisset, quamquidem sententiam dominus papa post modum reuocauit. Et quas concessiones, et de afor certis causis reuocamus & adnullamus. Volumus enim, quod transgr' huiusmodi perdonentur, transgr' illis acceptis, que in ea parte, que foresta remansit, comminisse fuerunt: Ita tñ qd haie & fossata fact' medio tempore prosternant, et penitus amoueant' adnihilentur. Saluis arenationibus nostris, quas secundum assisam fo reste volumus rem.

Excommu-
nication.

Perdon.
Herbes
Diches.

Boscus autem cesus & prostratus amoueatur, & boscus stans remaneat in foresta. Et si forte aliquis talis boscus ad huc stans, sit venditus, in foresta remaneat, & venditor satisfaciatur emptori, iuxta quantitatem portionis bosci stantis in foresta, et aliter medio tempore venditi, et prout ceperit de eodem.

Wood.

Volumus etiam quod Iusticiari' foreste nostrae, vel eius locum tenens in presentia, Thessari' nostri, et per assensum eiusdem habeat potestatem capiendi fines & redemptiones illorum qui sunt indiciati de transgress. vsque nunc in foresta commissis itinere Iustic. minime expectato.

Iust. de forest.

Fynes.
Inditement

Volumus insuper quod illi, qui communem pasturam in foresta ante perambulationem factam habeant, & qui sunt postea repositi in foresta, quique de dicta communia per perambulationem predictam fuerant impediti, habeant communiam pasturam de cetero in foresta adeo large & libere, sicut ante perambulationem predictam habere solebant. Saluis arent nostris in forma predicta. In cuius rei testimonium, &c. Teste &c. apud Westmonasterium xxviii. die Maij. Anno xxxiii. Edwardi primi, Ordinario foresta.

Comon.

23 Le grant charter des franchises et le charter de la Forest Purley. soient gardez en toutes points, et que la pueret que estoit chivach en temps le roy Cow. aprel le roy qui oze est le celgne en la fourme que estoit chivache & bonde & que sur ceo soit charters fait a chescun count ou fait mye chivache le roy voet que en chivacha per bondes et lieus et eportes sur ceo fait de ve suis en dit. An. 1. E. 3. cap. 1.

D 2.

Pur

24 Pur ceo que plusieurs gents sont differens rettes & distresses per les souveraignes gardeines des forestes de la trent & de la per les autres ministres enconter l'estatute de la grande chartre de la Forest et enconter la declatation que le Roy E. sis le Roy Hen. iii. fist en la fourme que ensuit. s. Nous volons & grantons pur nous & pur nous heirs que le trespass fait en Forest de vert & de benison que les Foresters des queux baylifes & els trespasses seroient faits presentement mesmes les trespasses au prochein swanmots deuant Foresters, verdours, regardours, agistours et autres ministres de mesme le forest que surapel presentement deuant las forestes, verdours, regardours, agistours, et autres ministres suivoient per surement sibiens des charters come dauters probes homes et loiairs, et neump suspicieux de partie vesinables & plus prochein en tiel trespasses serront issint presents et en la veritie plus mielur et plus pleinement purra estre enquis et tiel veritie ensy soient tiel presentements per comment allent & accord de tous les ministres au royaume solementment en forestes, et de lours seales enfoies et si en autre maner soit fait nul endirements soit desore pur nul tenuis. Et pur ceo que les chiefe gardeines des forestes nont my la dit fourme tenuis telque en ceo accord est et ordeigne que desore nul ne soit pris nempyison pur vert ne pur benison sil ne bloit, ou sil ne soit trone oue maynor en la fourme auant dit endite, & adonques luy leste le souveraigne gard del forest a mainprise leque al heire del forest sans riens prendre pur le delivrance, et si le gard faire ne voloit, eic hysse en le Chauncery que auncientment fait ordeigne pur ceur endites delire & mainprise sans rien prendre adonques eic le pl. hysse en le Chauncerie al viscount dattach. le dit gard, destr. deuant le Roy au certaine iour a responder pur quoy il nad repleyup celui que est ensy pris per bon mainpris en presence des verdours & nous des mainpernoues face delivrer as mesmes verdours a respond. en epe deuant les Justices. Et si le chiefe gardeine de ceo soit attainit sopent agardes as plaintives lour damages al treble et les gard a la prison et reings al volente le roy. Et desloimes soit escript as eix cōs as les chiefe gard del forest pur

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pur ceo que iustices ne deüent ils estre en recozd. foysque en eire
Anno.1.E.3.cap.8.34.E.1.

25 Nul fojester ne gardeine de fojeste ou de chafe, ne nul au-
ter minifter ne face ne coille puter. nauter coillet des vitailles ne
nul autre chose per colour de leur office coudre nulluy volente
debeins leur baile ne de hozs foysque ceo que est due dauncien
dyoit. Anno.25.Ed.3.cap.7.

26 Nul maner de Jure soit defoze arte per aucun minifter de
la fojeste nautre perfon quicunque de traualier de lieu en lieu
hozs des lieux ou leur charge leur est done enconter leur grée ne
per malice ou per manace ou auter dureffe constreint de dyre leur
verdit de trespas fait en fojeste autrement que leur conscience ne
leur ent voyra clerelement enfozmer eins dient ils leur herbyes
sur leur charges lieux ou celle charge leur est don come deluis est
dit. Anno.7.R.2.cap.3.

27 Nul home soit pris nempyson per minifter de fojeste sans
due enditement ou per mainoeuere ou trespasiant en la fojeste, ou
ailloirs, ne soit constreint de faire obligation ou redemption a
ascun minifter de fojeste per quicunque manner enconter leur grée
et la lise de fojeste, et si ascun fate enconter cest ordinaunce en ascun
point. et de ceo soit attaint paie as parties endammage leur dou-
ble dammage, & fine et raunceon au roy pur son mal fait. Anno
7.R.2.cap.4.

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AL'fojestes which King Henry our graundfacher affozested
And made, shalbe viewed by good and lawfull men, and if
he haue made fojest of any other wood moze then of his owne
denefine, whereby the owner of the wood hath hurt. Wee will
that forthwith it be disafozested. And if he haue made fojest of
no mens wood but of his owne, then we will that it remaine fo-
rest till: Saving the common of herbage, and of other things
in the same fojest, to them which befoze were accustomed to haue
the same. Carta de Foresta, cap.1.

2 Hen

Common
Summons,
Suertrie.

2 When that dwel out of the Forest from hence forth shal not come befoze the Justicers of our forest by no common Summons, vnlesse they be impleved there, or be suertes for some other that were attached for the forest. Carta de Foresta cap. 1.

Disaforest.
Demefine.
Wood.

3 All woods which haue been made forests by K. Richard our vnckle, or by King John our father, vnto our first coronation, shall be forthwith disaforested, vnlesse it be our demefine wood. Charta de foresta. cap. 3.

Archbishop
Bishop.
Freeholder.
Woodes.

4 All Archbishops, Bishops, Abbots, Priors, Carles, Barons, Knights, and other our free holders, which haue their woods in forests, shall haue their woods as they had them at the time of the first coronation of King H. our graundfather, so that they shall be quite for euermore of all purpessures, wastes, and asserts made in those woods after that time, vntill the beginning of the second yeare of our Coronation. And those that from henceforth doe make purpessure without our speciall licence, or wast or assert in the same, shall answer vnto vs for the same wastes, purpessures, and asserts, Carta de Foresta cap. 4.

Licences.
Wast.

Regarders.

5 Our Regarders shall goe through the Forest to make their Regard, as it hath bin accustomed at the time of the first coronation of King H. our graundfather, and none other wise. Carta de Foresta. cap. 5.

Lawing of
dogges.
View.

6 The inquirie or view forlawing of dogges being within our forest, shalbe made from henceforth, when the Regard is made, that is to say, euery iii. yere, & then it shalbe done by the view and testimonie of honest men, and not otherwise. And he whose dogge is not then found expeditated, shalbe amerced, and shall paye for the same iii. s. And from henceforth no oxe shalbe taken forlawing of dogges. And such lawing shall be done by the assise commonly vsed: that is to say, that iii. clawes of the foresayd shalbe cut off by the skin. But from henceforth such lawings of dogges shall not be done, but in places where it hath bin accustomed from the time of the first coronation of the aforesaid king H. our graundfather. Carta de Foresta cap. 6.

A merce.
Oxe.
Assise.
iii. Clawes
cut off.

Forester.

7 No Forester or Bedle from henceforth shal make scot, or gather

The Lawes of the Forest.

31

ther garbe or otes, or any corne, or lambe, or pige, nor shall make no gathering, but by the sight, and vpon the othe of the xii. Regarders whē they shal make their regard. So many Forēsters shalbe assigned to the keeping of the forestes, as reasonably shal seme sufficient for the keeping of the same. Car. de Forest. ca. 7.

8 No Swanimote from henceforth shalbe kept within this our Realme but thrice in the yere. First the xv. day afoze Michaelmas, when that our giftakers, of our woods come together to take agistment in our demesne woods, & about the feast of S. Martin in winter when that our giftakers shall receiue our pawnage. And to these ii. swanimotes shall come our forēsters, verderors giftakers, & none other by distress. The iii. swanimote shalbe kept in the beginning of x. daies befoze the feast of S. John Baptist, whē that our giftakers do mete to hunt our Dēre. And at this Swanimote shall mete our forēsters, verderors & none other by distress, & pouer euery xi. daies thozough the yere, our forēsters & verderors shall mete to see the attachments of the forest, as well for grēne hugh as for hunting by the presentment of our forēsters, & afoze them attached. And the said swanimotes shall not be kept but within the Countiees, in which they haue bin plesed to be kept. Carta de Foresta cap. 8.

Swanimot.

Agistment.

Pawnage.
Forēsters.

View.
Attachments
Grēne hugh
Hunting.

9 Euery frēman may take agistment in his owne wood within our forest at his pleasure, & shall take his pawnage. Also we do graunt, that euery frēman may driue his swine freely & without impedimēt thozough our demesne woods, for to agist them in their owne woods, or els where they will. And if their swine carrie one night & se within our forest, there shalbe no occasion taken there of wherby he may lese any of his owne. Carta de foresta cap. 9.

Freemen.
Agistment.
Pawnage.
Driue swine.

10 No man from henceforth shall lose neither life nor member for killing of our dēre, but if any man be taken therewith, and convicted for taking of our Genison, hee shal make a greuous fine, if he haue any thing whereof to make fine, & if he haue nothing to lese he shalbe imprisoned a yere and a day, and after the yere & a day expired (if he can find sufficient suerties) he shalbe deliuered. And if not, he shall abiure the Realme. Carta de foresta cap. 10.

Killing.
of decre.
Conuict.
Fine.
Impris.

Abiure

11 What.

11 Whatsoever Archbishop, Bishop, Earle or Baron, coming to vs at our commaundement, & passing by our forest, it shal be lawfull for him to take and kil one or two of our dère, by the beue of the forester if he be present, or else he shal cause one to blow an horne for him, that he seeme not to steale our dère. And likewise they shal do returning home from vs. Car. de For. ca. 11.

12 Euery freema from henceforth without daunger, shal make in his owne woode, or in his land, or in his water, which he hath within our forest miles, springs, poles, marlepits, dikes, or errable ground, being without the couert into errable ground againe, so that it bee not to the annoyance of his neighbors, Carta de Foresta cap. 12.

13 Euery freeman shal haue within his owne woods, apples of haukes, sparrow haukes, falcons, egles, and herons, and shal haue also the bonie that is found within his woods. Carta de Foresta cap. 13.

14 No forester fro henceforth, which is not a forester in fee, paying to vs farme for his Bailiwiki, shal take any chiminage within his bailiwiki. But a forester in fee paying vs farm for his bailiwiki, shal take chiminage, that is to say, for carriage by cart, the halfe yeare ii. d. and for another halfe yeare ii. d. for a hors that beareth loads, for halfe a yeare an halfe-penie, and for another halfe yeare a halfpentie: And but of those onely that come as Marchants through his bailiwiki by his licence to buy bushes, tymber, barke, coale, and in another place to sell it againe where they will at their pleasure: But for none other carriage by cart, chiminage or tol shal be taken. Nor chiminage shal not be taken but in such places onely where it hath bin vsed to be taken. Those which beare upon their backs bush, barke or coale to sell, though it be their lpying, shal paie no chiminage to our foresters, except they take it within our demesne woods. Carta de Foresta cap. 14.

15 All that be outlawed of trespass within our forest, since the time of King D. our graundfather, vnto the first yere of our coronation, shal come to our peace without let, and shal find to vs suerties that from henceforth they shal not trespass vnto vs within

our forest. Carta de Foresta. ca. 15.

16 The Constable, Castellaine, or balliue, shall hold plea of forest, neither for greene hugh, nor hunting, but every forester in fee shall make attachments for plea of the forest, as well for greene hugh as hunting, and shall present them to the Verderors of the prouintes. And when they be inrolled, and inclosed under the seals of the Verderors, they shalbe presented to our chiefe Justices of our forest, when they shall come thither to hold plea of forest, and before them they shall be determined. Carta de Forest, cap. 16.

Justices of the Forest shal determine those pleas.

17 Concerning trespassers in parkes and poudes, it is not yet discussed, for the Lords demaunded the proper imprisonment of such as they should take in their parks and ponds, which the king denved. Wherefore it was deferred. Merton. cap. 11. Anno. 20. H. 3.

18 It is provided also for trespassers in parkes and poudes, that if any be thereof attainted at the suit of the partie, great and large amendes shalbe awarded according to the trespass, and thre yeares imprisonment, and after shall make fine at the kings pleasure (if he haue whercof) and then shall find good suretie that after he shall not commit like trespass. And if he haue not whercof to make fine, after thre yerres imprisonment, he shall finde like suretie, and if he cannot finde like suretie, he shall abjure the Realme. And if any guiltie thereof be fugitiue, and haue no land nor tenement sufficient (whereby he may be iustified) so soone as the king shall finde it by Enquest, he shall be proclaimed from Countie to Countie, and if he come not, he shalbe outlawed. It is provided also and agreed, that if none do sue within a yeare & day for the trespass done, the king shall haue the suit. And such as be founde guiltie thereof by lawfull inquest, shalbe punished in like manner in all pointes, as aboue is said, and if any such trespassor be attainted, that his hath taken tame beastes or other thing in his parkes by manner of robbetrie, in committing, carrying, or returning, let the common law be executed vpon him as vpon him that is attainted of open theft and robbetrie, as well at the suit of the King as of the partie. Westm. ca. 20. An. 3. Ed.

19 If any Forrester, parker, or warrenor, do finde any trespassor wandering within his libertie, intending to doe damage therein, and that after hue and cry made to him to stand onto the peace, will not peeld himselfe, but doth continue and execute his malice, and disobeying the kinges peace, doth lye or defend himselfe with force and armes, although such forresters, parkers and warrenors, or any other committing in their companie, and ayding such forresters, parkers, and warrenors, in the kings peace, do kill any offendor or offendors, being so found, either in arresting or taking them, or any of them, they shal not be arraigned vpon the same before the king and his Iustices, or before any other the king his Bailifes or any other within any franchise or without, nor shall lase for so doing either life or limme, or suffer any other punishment, but shall enioy the kinges peace, as they did before: Notwithstanding, let all such forresters, parkers, warrenors, and all other beware, that by reason of any malice, discord, debate, or other evil will had before time, they do not lye, nor maliciously pretend, against any person passing through their liberties, that they came thither for to trespass or misdoe, when of trueth they did nothing, nor were not found as trespassors, and so kill them, for if they do and be conuict thereupon, the death of such persons shalbe inquired, and execution shalbe done in like maner, as is done for other of the kinges subiects standing in his peace, and like as it ought to be done of right, & according to the law & custome of the Realme, Statute of Trespassors in Parkes. An. 21. E.1.

20 Whereas certaine people that haue put out of the forest for the purlew, and by the great men haue made request to our soueraigne Lord the king at his parliament, that they might be acquitted of their charge, and of things that the forresters demaund of them, as they were wont to be: Our soueraigne Lord the king answered: First, that where he had graunted purlew, that he was pleased that it should stand in like maner as it was granted, albeit that the thing were sued and demaunded in an evil point. Neuerthelesse, he willet and intendeth that at his demesne lands wheresoever they be, that haue him of the Crown, being returned by

by way of elcheare, or otherwise, shall have estate of free chase and free warren, and in such maner shalbe saued and kept to his vse for all maner of elcheates, and for all maner of thinges that pleaseth him. And in right of them that haue lands and tenements disafforested for the said purliue, and such as demaund to haue common within the boundes of forestes: The intent & will of our soueraigne Lord the king is, that from henceforth (where purliue is) they may claime to be quite of charge of the forestes. And whereas the kings beastes cannot haue their haunt and repaire vpon the forest ground, as they had so long as they were within the forestes, that such folke shall not haue common, nor other easement within the boundes of the wodes, nor of the landes, the which remaine in forest, but if any of them that be disafforested by the purliue, would rather be within the forest as they were before, then to be out of the forest as they be now: It pleaseth the king verie wel, that they shalbe receiued thereunto, so that they shall remaine in their ancient estate, and shall haue common and other easement as wel as they had before. Wherevpon our Soueraigne Lord the king willeth and commaundeth, that his Iustices of the forestes on this side Trent, & beyond Trent, in like maner shall keepe and hold, and cause to be kept and holden straitly the foze said pointes within their liberties, in the forme aboue mentioned. Anno. 33. E.1. Stat. 5.

Assise et consuetudines Forestarum.

21. If any forester shal finde any man attachable for vert in the forest, first he shal attach him by ii. pledges, if they be to be found, if not, he shalbe brought to the next towne wher they may be found. And if they be afterward found, he shal attach him by iiii. pledges, and if the third time, he shall be presented before the Verderors, and be put by viii. pledges, after ward after the third attachment his bodie shalbe attached and retained, that hee may remember what thing that is.

It is to be knownen that all trees not bearing fruite, and these which beare fruite at any time in the whole yeare, and an Ash if he be old shall remaine in the forest, and in the errable land they

be all alert, because our Lord the king is in possession of them.

If any man shalbe found selling an Oke without the demesne wood, and within the regarde of the forest, without the view or licence of the forester or verderer, he shalbe attached by his pledges, and by the view of the verderer, the Oke shalbe seized, and the names of the pledges shalbe written in the rol of the foresters and verderers.

If any man shalbe found in the kinges demesnes, asserting or doing purpresture, his bodie shalbe forthwith retained, but if without the demesnes within the regard, he shalbe put by his pledges, and if he be afterward found, he shall double his pledges, if the third time, he shall retaine his bodie.

A man attachable contra vadios & plegios, is he that is bound to be of good behaviour toward the Forest, and then after that bond,

If any man shalbe found attachable contrary to his liberties and pledges, he shalbe distrained by his cartels found within the hounds of the forest, but if he have none, his body shalbe detayned until he have don that which he ought: and if his abode be without the boundes of the forest, his name and the name of the towne whence he is shalbe inrolled.

is found offending in the Forest againe, as it appeareth in Carta Foresta, Articulo. 15.

But delivrie of housebote and haybote shalbe made as the wood may suffer the same to remaine in the State in which it is, and not at the request of the demaundant, neither may he give nor sell any thing of the wood without the kinges warrant.

This is ment of those Deere that are not sweete, nor meete to be eaten of the best sort of the people: for if a principall beast be found dead & newly killed: that is not meant by this statute to be given to the Lazar house. And if such Deere be found dead, there is no doubt but the same Deere is the kinges, for he was the kinges beast being alive, and the killing of him hath not altered the propertie: and then the same being the kinges, his Iustice of the Forest may dispose of it at his pleasure, and that disposition good in Law by plea of justification.

If any Deere be found dead, or wounded, there shalbe an inquisition made by foure of the next villages to the forest, which shalbe written in the rol, the finder shalbe put by his pledges, and the flesh shalbe sent to a Spittle house, if by testimony of the verderers and the Countrey, there be any nigh: But if there be noe such house neere, the flesh shalbe given to the poor and lame, the head & skinn shalbe given to the poor of the next towne, & the Arrow (if there be any found) shalbe presented to the Verderers and inrolled in his rol.

And if he be found upon any Deere and shalbe repro-
ved, the forester shall receive them, and present them in the presence of
the Justices; and send them to the king or chiefe Justice of the
Forest.

Item if any game be found upon any Deere and shalbe repro-
ved, the whose game he is to have a writte of the deere; but if he
be not expediated, the owner of such game shalbe gilty, if he
has given it with his owne hand; and he shalbe put by all pledges,
whose names shalbe written, and also what kind of dogge it was.

Item if any man take a Deere in the forest without warrent, his de-
er shalbe attested where toether he be found within the boundes
of the forest; and when he is taken, he shall not be delivered with-
out special commandment of the king, or of the chiefe Justice
of the forest.

Item if any man take any miltrees within the boundes of the forest, to
take or carry away any Deere, he shall do what he may to take
them, and if he cannot, he shall levee hue and cry, and if he do not
so, he shall remaine in the kings miltre.

Item if any woodward shall see miltrees within his wardship, or
shall see a deer with down, he shall shew him to the forester or
verderer; and if he do not, and the forester or our Lord the king
find such a fault in his wood within the precinct of the regard, that
wood shalbe taken into the kings handes by the kings command-
ment, or of his chiefe Justice; and the woodward is to be attes-
ted by all pledges.

Item if any man shall have a wood nere unto the demesne wood of
our Lord the king, it is lawfull for him after that the demesne
beiges are agailed, to have in the time of pownage, so many fowles
as the wood may suffer, by the beue of the foresters, verderers re-
gardours, agailors, or other lawfull men, and this shalbe done of the
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demaine hedges and woodes, as without, on the agiltment shalbe made according to their commaundement, and tenor of their letters, which letters he shall haue before the Iustices of the forest in the next circuite. And it is commaunded, that hereafter be taken for every hogge as much as may be to the use of our Lord the king for paynage, that is to say, one peny vi. d. but of litle pigges there shalbe no more paid then was before.

If any man of another Countie will willingly suffer his cattel to goe within the boundes of the forest, the forester may receive the cattel by quarties and safe pledges, which if he cannot doe by the testimony of the Clergours, he shal from the Schirife of the Countie thereof, that he may make distress until he have pledges. If the Schirife do it not, the forester shall shew the same to the Iustices.

No Power shall bring with him a great Spastur, to dyne a way the poere of our Lord the king, but litle dogges to kepe to things without the court.

Of these which claime to have wylledoges, as dogges without clawes and grethoundes, within the boundes of the forest, they shal haue nothing to do with them without our Lord the king his warrant, or his Iustices.

A word remayning in the hands of our Lord the king by one yeare and one day, it is in the kings pleasure, excepte if he recouered by the iudgment of the Iustices.

All the boundes of the forest are wholly the kings. It is lawfull to the Abbot of s. Bezaugh of s. Peter, to hunt, & to take dayes, Foxes & Martons within s. boundes of the forest, and to haue ynlawen dogs, because he hath sufficient warrant thereunto. When Clergours haue taken an Enquest, one shall set to his seals, and the other shall keepe the roll, and so from tyme to tyme until the coming of the Iustice: then the first day he and all his ministers shall present the roll, or els they shalbe amerced, & mainperners that day shalbe profered for the forest, or els they shall incur a forfeiture.

A man attached for cutting of boughes, that ple appentopneth

to

to the Swanimote before the Steward. And a man attached for selling an Oke in the demesne of the king, or of any other mans, it be longer to be tried before the Justice, and if he do it to any man in the night time, he shalbe imprisoned.

A man attached to the Swanimote for Greene bugh, and not presented at the next Swanimote, at an other time the presentment shall not hurt him, but shalbe taken as a fault in the forester, for the concealment, and he that is attached shall goe quite by Alike.

If a forester do agree unto an offence in the demesne woods of the king, the king shall take from him his chiefe office if he be living: and because the kings wood is wasted, at every Tier of the Justice of the Forest, they shall pay to the king half a Marke.

Ordinario Forester.

22. First we haue decreede for vs and our heires, that of trespasses hereafter to be done in our Forestes of Greene bugh, and of hunting, the Foresters with in whose Wallwikes such trespasses shall happen to be committed, shall present the same at the next Swanimote, before the Foresters, verderors, regards, agistors, and other ministers of the same forest, and upon such presentments there before the Foresters, verderors, and all other ministers aforesaid, by the othe alswell of knights, as of other honest and lawfull men of the nearest parties, where the trespass (so presented) shalbe done not suspected, by whome the truth of the matter may be fully inquired of, and the truth so inquired of, the presentments shalbe solemnely affirmed, and sealed with their seals by the common agreement and assent of all the ministers aforesaid, and if the indictment be made ootherwise shall be utterly void.

And if it happen any of the foresaid Foresters, regards, or other ministers of the same forests to die, or by sickness, or by any other means to be hindered, by reason whereof he cannot be present to such Swanimotes: immediately the Justice of the Forest or his lieutenant shall put another in his place, so that the indictment

Verderons by
election.
They are cal-
led verderitors
because they
are Iudges, &
do giue iudge-
ment of Forest
matters.

ment may be made by all, in forme of foreſein, and that the officers which are to be placed, be placed, as hitherto hath bene accustomed to be done: Shewing the Verderors which ſhalbe appointed by election, and by our writ. And we will that none of the foreſaid miniſters hereafter, be put in any aſſiſes, Juries or inqueſties, to be taken without the Foreſt.

And if any ſurcharge be found of the Foreſters, or other, which hang to do as miniſters of the Foreſt, ſuch ſurchargers ſhalbe amoued, and ſhalbe impriſoned according to the diſcretion of the Juſtice of the Foreſt, or his lieutenant. And they alſo by whom they were placed there ſhalbe puniſhed likewise at our pleaſure. And at every Shewmote, it ſhalbe inquired of the ſurcharge of the Foreſters, and other miniſters of the foreſt, and of their oppreſſions brought vpon our people, and they ſhall make thereof amendes, and be puniſhed as is above expreſſed. And as concerning thoſe perſons, which ſince the time that the Foreſt was diſforeſted, have committed offences in Wente and Glenſon within the foreſt to diſforeſt the ſame, and that ſentence of Excommunication was publiſhed againſt the ſame offenders, although the ſame by our good will ſhould not have proceeded, which ſentence the Pope himſelfe afterwardeſ reuoked, and which graunts and diſforeſting for certeine cauſes we do reuoke and make voyde. For we will that thoſe offenders be pardoned: Except thoſe offences which were committed in that part which doth remaine foreſt ſtill, ſo that the hedges and dykes that were made in the meane time ſhalbe choſen downe, remoued, and utterly auoyden. Shewing into vs our rents, which we will haue to remaine according to the aſſiſes of the Foreſt.

The wood which is cut & ſelled ſhalbe remoued, and the wood ſtanding that remaine in the foreſt, and if by chance any ſuch wood yet ſtanding to be ſold, it ſhall remaine in the foreſt, and the ſeller ſhall ſatiffie the buyer, according to the quantitie of the portion of the wood ſtanding in the foreſt, and ſo of wood ſolde in the meane time, and euen as he ſhall take of the ſame buyer.

We will alſo, that the Juſtice of our Foreſt, or his lieutenant, in

in the presence of our Treasorer, and by his assent, haue power to take fines and redemptions of them which are indicted of trespasses, committed in the forest before this time nor inquired of in the Iustices circuit.

We will moze ouer, that they which haue had cōmon of pasture in the forest, before perambulation made, and they which afterwards were dented in the forest, and they which haue bin letten of the said cōmon by the perambulation aforesaid shall haue their cōmon, of pasture from henceforth in the forest, as largely and freely as they were wont to haue before the perambulation aforesaid: saving our rētes in forme aforesaid &c. Teste &c. Westminster xxviii. day of May. An. 34. E. 1.

32 That the great Charter of the liberttes, and the charter of the forest be obserued and kept in euerie article. And that the olde perambulations of the forest, in time of king Edward graundfather to the king that now is, be from henceforth holden inlike forme, as it was then riden and bounden. And thereupon a charter to be made to euerie shire, where it was riden and bounden, And in such places where it was not bounden, the king will that it shall be bounden by goodmen and lawfull, and that a Charter be thereupon made, as is aforesaid. An. 1. E. 3. cap. 1. Stat. 2.

24 Wheras diuers people be disherited, raunsomed and bounden by the chief keepers of the forest on this side Trent & beyond, and by other ministers, against the forme of the statute of the great Charter of the forest, and against the declaration made by king Edward, sonne of king H. in forme following, that is to say: We will and graunt for vs and our heirs, that for any trespass done in the forest of Hert and Denison: That the foresters in whose bailiwick such trespass shall be committed, shall present the same trespassers at the next swanimote, before the foresters, verderors, regardors, agistors and other ministers of the same forest. And that such presentment be made before the said foresters, verderors, regardors, agistors and other ministers aforesaid, as well by the othes of knights, as by other distréss and lawfull men and not suspicious, of the parties ioyning nere where such offences shall be presented, and where the truth may best and most clere

Taken with
the maner, is
commonly
said to be in
fourte sortes,
vz, Staple
stand, Dogg
draw, Back-
bearc, and
Bloudie hand.
For Venison
and for Vert,
in two sorte,
vz, cutting of
it, and carrying
of it away.

be knowen. And the truth perfectly knowen, then such presentments by the common assent and consent of al the said ministers, shalbe solempnely wrytten, and with their seales ensealed. And if any indictment be in any other manner made, the same shall be void. And therefore because the chiefe wardens of the forest haue not obserued the same hitherto: It is agræd and ordained, that from hence forth no man shalbe taken nor imprisoned for Vert nor Venison, vnles he be taken with the manner, or els indicted after the forme before specified. And then the chiefe Warden of the forest shall let him to mainpryse, til the Eire of the forest, without any thing taking for his deliuerance. And if the said Warden wil not so do, he shal haue a writ out of the Chaucery, which hath bin in olo time ordained for such persons indicted to be at mainpryse, till the eire. And if such Warden after he hath receiued the writ, do not incontinently deliuer such persons indicted to mainpryse, without taking any thing: then the plaintife shall haue a writ out of the Chauncery to the shirife, to attach the said warden to be before the king at a certaine day, to answer wherfore he hath not repleued him that is so taken, And the shirife (the verderors being elaled to him) shall deliuer him that is so taken by good mainpryse, in the presence of the verderors, and shall deliuer the names of the mainperners to the same Verderors, to answer in the eire of the Iustices. And if the chiefe warden be therof attainted, the plaintife shall recouer his treble dampages, and the said Warden to be committed to prison, and ransomed at the kings will. And from henceforth it shalbe wrytten to them as to the chiefe Wardens of the forest, because they may not be Iustices, nor to haue any Record. Anno 1. E. 3. cap. 8. Stat. 1.

25 No forester nor keeper of forest or chase, nor none other minister, shall make or gather sustenance, nor none other gathering of vitables nor other thing, by colour of their office, against any mans will within their bailiwike nor without, but that that is due of ancient right. Anno. 25. E. 3. cap. 7. Stat. 5.

26 No maner of Iurie shall be from henceforth compelled by any minister of the forest to trauell from place to place out of the

the places where their charge is giuen to them against their grée, nor by malpce, nor by manace, or other duresse constrained to say their verdict of a trespass done in the forest, otherwise than their conscience will cleerely informe them, but they shall say their verdicts vpon their charge, in the places where the charge is giuen them, as aboue is saide. Anno.7.R.2.cap.3.

The verdict to be giuen vp where the charge is giuen them.

27 That no man be taken nor pisoned by any minister of the forest, without due indictment, or by manouerie, or trespassing in the forest, or els wher, nor shal not be constrained to make any obligation or raunsome, to any minister of the forest by any maner, against their grée and the assise of the forest. And if any do against this ordinance in any point, and thereof be attained, he shall pay to the partie dammified their double dammages, and fine and raunsome to the king for his offence. Anno.7.R.2.cap.4.

28 From henceforth all and euery the Justice and Iustices of the kings forestes, parkes & chales within this realme, which now be, or hereafter shall be, by their wrying sealed with the seale of their office, shall make, assigne, depute and appoint as many deputie or deputies for the exercising of the same office of the Justice or Iustices of the forestes, as to such Justice or Iustices from time to time shalbe thought conuenient, which deputie and deputies so appointed shall haue like power and authozitie to do and execute all things concerning the kings forestes, parkes and chales, and all other things concerning the office and offices of the Justice of the forestes, to all intents and purposes, and in as large and ample manner and foyme, as the same Justice or Iustices might, or may lawfully doe or execute by the lawes of this realm, and as though the same Justice or Iustices were there personally present in his or their owne person or persons. Anno.32.H.8. cap.35.

Note that by the common law the Iustice of the forest is a Iudicial office, and therefore he could not make a deputie to execute the same office before this statute.

But it seemeth that the office of the chiefe warden of the forest is no Iudiciall office, because the

writt of Homine replegiando, is by the Statute of (An.1.E.3.ca.2. before here 24.) to be directed to him. And further, if his office were a Iudicial place, he could not make deputies as he doth to execute the same.

Anno. 1. E.
cap. 2.

A man may
hedge in, or
fence his
wood, and
maintaine &
keepe the
same in the
Forest by this
statute.

Nota per cest
statute que vn
auter person
que le royne
poit auer vn
Forest per la
comon ley.

Nota que cest
statute fuit
in le negatiue
del comen ley
ergo le comen
ley fuit con-
trarie deuant
eco.

27 Every man that hath wood within the Forrest, may take the same wood without being attached by any officer of the Forrest, so that he do it by the view of the Forresters. Anno. 1. Ed. 3. cap. 2. Statut. 2.

If any of the Quenes Subiects hauing woods of his owne growing in his owne ground within any Forrest, Chase, or Purliue of the same, within this Realme of Englande, shall cut or cause to be cut the same wood, or part thereof, by licence of the Quene, or of her heires in her Forrestes, Chases, or Purliues, or without licence in the Forrest, Chase, or Purliues of any other person, or make any sale of the same wood: it shalbe lawfull to the same Subiect, owner of the same ground whereupon the wood so cut did growe, and to other such persons to whome such wood shall be sold, Immediately after the wood so cut, to coppie, & inclose the same ground with sufficient hedges able to keepe out all maner beastes, and cattell out of the same ground, for the preserving of their pong springs: and the said hedges so made, the said Subiects may keepe them continually by the space of seven yeares next after the same inclosing, and repaire and sustaine the same as often as it shall need within the same seven yeares, without sewing of any other licence of the Quene, or of her heires, or other persons, or any of their officers of the same Forrestes, Chases, and Purliues. Anno. 22. E. 4. cap. 7.

The Statute for the drift of the Forrestes, and what beastes are not to be suffered to common in the wast soyle of the Forest.

NO commons or commoners within any forest, chase, moze, marsh, heche, common or wast ground, nor any officer or officers of or within any of the said forestes or chases, nor any other person or persons whatsoever he or they be at any time after the last day of March, which shalbe in the yeare of our Lord God a thou.

a thousand five hundred & threſſy fourty, ſhall haue or put to paſture into or vpon any ſuch ground, foreſt, chaſe, moze, mariſh, beth, common, or waſt ground, any ſtoned hoyle or hoyleſ, being aboute the age of two yeare, and not being of the altitude and height of ſixtene handfulls, to be meafured from the loweſt part of the houle of the foreſote vnto the higheſt part of the wither, and euery handfull to containe iiii. inches of the ſtandard, to paſture feede or be in or vpon any of the ſaid foreſtes, chaſes, commons, mozes, mariſhes, bethes, or waſt groundes within any of the ſhires and territories of Noſſ. Suff. Cambridg. Buck. Huntingdon. Eſſex, Kent, Southamptſhyre, Northwillſhyre, Oxford, Bark. Worcester, Glouceſter, Somerſet, Northwales, Southwales, Bedford, Warwyke, Northampton, Northſhire Cheſhire, Staffordſhire, the countie of the cite of Yorke, the towne and liberties of Gloceſter, the countie of the towne of kingſtone vpon Hul, the county Palantine of Lancaſter, the countie of Salop. Leiceſter, Hereford, & Lincolne, or within any of them, nor ſhall put to feed or paſture any ſtoned hoyle or hoyleſ, being aboute the ſaide age of two yeares, and not being of the altitude and height of fourteene handfull to be meafured, as is aboue ſaid within or vpon any like ground or groundes as ben aboue wyitten, lyng or being within any other ſhier of this Realme, nor within any of them, vpon payne of forfeiture of the ſaid hoyle or hoyleſ, which ſhalbe founde in or vpon any ſuch ground, foreſt, chaſe, moze, mariſh, beth, common or waſt ground, at any time after the ſaid laſt day of March which ſhalbe in the ſaid yere of our Lord God, a thouſand five hundred and threty and fourty, contrary to the fourme of this ſtatute. And it ſhalbe lawfull to euery perſon and perſons that ſhall finde any ſuch hoyle or hoyleſ contrarie to the fourme of this ſtatute, to ſeiſe the ſame in maner and fourme folowing, that is to ſay, the ſaid perſon or perſons ſo finding any hoyle or hoyleſ, contrary to this act in any foreſt, chaſe, common, moze, mariſh, beth, or waſt ground within the ſaid ſhires, or other limittes aforeſaid, or in any of the ſhal firſt go vnto the keeper or keepers of the ſame foreſt or chaſe, or to his deputie or deputis, or to the ſtable,

It ſhalbe lawfull for the finder of ſuch to ſeiſe them.

Keeper or other officers of the Forest, to help the finder

Such Horses
or Mares to be
driven to the
Pound, and
there to be
measured, in
the presence
of three ho-
nest persons.

It shalbe law-
full to retaine
them to his
owne vse.

The said kee-
pers, nor other
officers shall
not refuse to
measure them.

bailif, hedbozough, burtholder, or tithing man of any towne ship
next adioyning unto the saide place where the said horse or horses
shalbe. And shall commaund, or require him or them, or any of
them in the kings behalfe, to goe with him or them cohyng every
such horse or horses, as he or they shall thinke to be there feeding
and goyng, contrary to this estatute, to the next pound, & there the
said horse and horses to be measured by any of the same officer or
officers, in the presence of three other honest men to bee named
and appoynted by the said officer, and if it so be found that the
same horse or horses be contrary to this acte, that then it shalbe
lawfull to euery such person and persons that shal so challenge and
cease the said hozs or horses as befoze is said, to take and retaine
the same hozs or horses, and euery of them, to his owne vse, as his
owne proper goodes & cattells for euery, without let interrupcion,
deraction, suite, or trouble of the owner or owners of them, or
any of them, or of any other person or persons.

And it is further enacted by the authoritie aboue saide, that
if any of the said keepers, their deputy or deputies, Baylifs, Con-
stables, Hedbozough, Burtholders, or Tythynge men, or any
of the said three other honest men, which shalbe required to be
at the measuring of the saide horse or horses, as is befoze said,
do refuse to do, as is aforesaid, or els do not truely measure such
horse and horses, that then euery such bayliffe, keeper, deputy or
deputies, constable, hedbozough, burtholder, & tithingman and
the said three honest persons to be named, as is aforesaid, and eue-
ry of them not doynge, and refusing to doe his or their duety in the
premisses, shall forfeit and lose. y. s. for euery time so refusing to
do, or not doing as is aforesaid, the one halfe thereof to be to the
king, and the other halfe thereof, to be to the party that will sue
&c. in which action none eschogne &c.

Provided alway that this acte shall not extende to any stoned
horse or horses, that shall happen once in any yeare after the sayde
last day of March, to breake, escape, or goe out of any severall
pasture or ground, against the will and minde of the owner, or
possessor of such horse or horses, into any of the saide fostlers,
chaces,

chaces, mores, marishes, herbes, commons, or wast groundes, so that the said hore or hores, so breaking, elcaping, or gopng out, doe not remayne or abide in the saide forest, chaces, mores, marishes, heathes commons or waste groundes, or any of them, by the space of foure dayes next after sufficient and open notice and knowledge giuen at the dwelling house of the owner of the saide hore or hores, or after open publication thereof made vpon a Sunday, or other festiual day in the parish church where the owner or possessor of such hore doe dwell. And be it gc. that all forestes, chaces, commons, mores, marishes, heathes, and wast groundes within this realme of England and Wales, and the marches of the same and euery of them shalbe diuen at the feast of S. Michael tharchangell next comming, or within xv. dayes than next after, and so yearely to be diuen by the Lordes owners or possessours of the saide forestes, chaces, or by the officers of the same, and by the constables, hedboroughes, bailiffes, burtholders, and treshing men, within whose offices and precincts and limites, the commons, mores, marishes, herbes, and wast groundes, being out of the forestes and chaces be or lie, vnder payne of xl. s. to be forfeited to our said soueraigne Lord the king, by euery of the said officers, bailiffes constables, hedboroughes burtholders, & treshingmen as often & at euery time as the said drift shalbe omitted or left vndone, or not effectually done within, xv. dayes after the said feast of S. Michael tharchangell, as is a foresaide. And it shall also be lawfull to the said Lordes owners and possessors of the said forestes & chaces, by their officers of the same, and by the constables, bailiffes, hedboroughes, burtholders and treshing men, and euery of them within the limits of their offices, to make like drift of the said forestes, chaces, commons, mores, marishes, herbes, and wast groundes, at any other season & time of the yeare when soeuer and as often as they shall thinke meete and convenient. And furthermore be it enacted, that if in any of the said drifts there shalbe found any Ware, fili sole, or gelding, that the shalbe thought not to be able nor like to growe to be able to beare soles of reasonable Nature, or not able nor like to grow to be able to do profitable

The maner & forme, how the forest shall be driuen, and that is yearly at the feast of S. Michael.

For. for not driuing of the forest.

The drift of the forest is to be made as often as the officers shall thinke meete

number

Vnprofitable
beastes to be
killed.

labours by the discretions of the Iziuers aforesaid, or of the moze number of them, than the same Iziuer or Iziuers shall cause the same vnprofitable beastes and euery of them to be killed, & the bodies of them to be buried in the ground, or otherwise bestowed, as no noyance therby shal com or grow to the people there nere inhabiting or thither resorting. And it is so, that the Iustices of peace in euery shire, ridyng, and other place in their quarter sessions to be kept and holden by vertue of the kings commission of the peace to them directed, and al stewardes of letes & lawdaies in the same letes & lawdaies shall haue authoritie by this acte to enquire of all defaultes, contemptes, omissions and offences, contrary to the effectes aboue wytten, and euery of them. And all presentments thereof to be found in any of the said letes and lawdaies shall be certified by the steward or deputie, steward or courtholder of the same lete or lawdaie in the next generall sessions of the peace to bee holden in the Countie where such presentment shal bee found or had, or vnto the Custos Rotulorum of the same Shire within forty dayes next after that presentment made, which Iustices of peace in their quarter sessions of the peace, shall haue power and authoritie by this acte to heare and determine euery such presentment befoze themselves found, or in any of the saide letes or lawdaies to be presented and certified, as is aforesaid, as well by examination as otherwise, and if any such steward deputie, steward or courtholder aforesaid, inbelyt or conceal any such presentment, or do not certifie the same as is afoze wytten, euery of them, so offending, shall forfeit and lose for euery such offence xli s. the one half of euery such forfeiture, and of euery other of the forfeitures afoze wytten, to be to the king, and the other halfe to the person or persons that will sue for the same, befoze the said iustices of peace in their said quarter sessions by hyl or information, which Iustices shall haue full power and authoritie by vertue of this acte to heare and determine euery such offence as well by examination as otherwise as is befoze mentioned. And be it further enacted by the authoritie aforesaide, that no person or persons, after the feast of saint Michael the archangell next coming,

ming, shall haue or put to pasture any hoxse, gelding, or mare, infected, with scabbe or maunge, in, to or vpon any of the said forrests, chases, mores, marishes, betches, commons, wast groundes, or common fieldes, vpon paine to forfait for euery hoxse, gelding, or mare so infected, pasturing in any of the said groundes, ten shillings, which offence shall be inquirable and presentable before the Steward in euery lete, as other common annoyfance be. And the forfeiture therfore to be to the Lord of the same lete, where the saide offences shall be presented. Provided alway, that this act or any thing therein contained, shall not extend nor be prejudicall to any person or persons, hauing any stoned hoxse or hoxses, vnder the heighres haicribes aboue mentioned, for or concerning the hauing or putting any of the saide hoxses to feeding in or vpon any common or other waste groundes, where any mares, or fillies be not used nor suffered to be fed, pastured or kept An. 3. H. 8. cap. 13.

Assia de Woodstock.

And note that by the Lawes and statutes of the forrest, called the statutes of Woodstocke: no forrester shall walke or make any attachment for matters of the forrest, except he be a forrester sworne, for the wordes are these: Nec aliquis aliquem attachiat nisi se forestarius Iuratus, that is to say, neyther shall any forrester attache another man but he that is a forrester sworne. And also it appeareth by some statutes, that no man ought to remaine and abide within the forrest being of the age of xii. yerres and vpwads: But he ought also to be sworne to be trewe vnto the Quenes Maiesties game of the forrest; for the wordes are these: Omnes eratis duodecem annorum manens in foresta pacem venationis sue Iurent. Et clerici, laicum feodum tenentes pacem eius Iurent, which is that euery man of the age of xii. yeres shall sweare the peacc of hunting of the beastes of the forrest, and also Clergi men hauing Lay fe. shall likewise sweare the peacc of the Quenes Maiesties wilde beastes of the forrest.

And now for as much as it appeareth by those Lawes that

the Inhabitanter and dwellers within the forestes ought to be sworne to bee of good behauior towards her Maiesties game: much more then ought those that are officers of the forest, as Verderers, Foresters, Woodwardes, and Raungers, which haue charge of her Maiesties game especially to be sworne, for otherwile by colour of their office, they might spoyle her Maiesties game and destroy the same: wherefore to the end that those othes may the better be administered vnto such officers, by those that haue authoritie thereunto, and likewise obserued and kept by them that are compellable by the Lawes of the forest to take the same. I haue collected their seuerall othes, out of the auncient presidence of forest Lawes, and set them downe as hereafter followeth.

The othes of the seuerall officers of the Forest.

The othe of a Woodward.

Yow shall trewly Execute the office of a Woodward of B. Woodes, within the forest of M. so long as you shalbe woodwarde their, you shall not conceale any offence, either in Cart or Wenison, that shalbe committed or don within your charge, but you shall trewly present the same without any fauoure affection or reward: And if you do see or know any malefactours, or do finde any Deere killed or hurt, you shall forthwith do the Verderers to vnderstand thereof. And you shall present the same at the next Court of the forest: be it Swanmote or Court of attachments. So helpe you God.

The othe of a Raunger of the Forest.

Yow shall trewly Execute the office of a Raunger in the purliues of B. vpon the Borders of the kings forest of M. You shall rechale, and with your hound dyne backe againe the
wilde

The Lawes of the Forest.

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wilde beastes of the forest, as often as they shall rounge out of the same forest into your Purliewes. You shall trewly present al unlawfull hunting, and hunters of wilde beastes of benerie, aswell within the purliewes, as within the forest. And those and all other offences, you shall present at the kinges next Court of Attachementes of Swanimote which shal first happen, so helpe you God.

The othe of a Forester, or vnderkeeper in the Forest.

You shall trewly Execute the office of a forester, or keeper of the kinges wilde beastes, in the walke called *W.* within this forest of *W.* You shalbe of good behavioꝝ your selfe towarde his Maiesties wilde beastes, & the vert of the same forest. You shal not conceale the offence of any other person, either in Vert or Wenslon that shalbe done within your charge: but aswell the same offence, as also all attachments you shall present at the next Court of attachementes of Swanimote which shall first happen to be holden for the same forest, and you shall to the uttermost of your power mapnteine and keepe the assises of the forest, and in all thinges the kinges right defend concerning the same, so long as you shalbe keeper there, so helpe you God.

The othe of a Verderor, *alias* a Veredictor.

You shall trewly serue our soueraigne Lord the king, in the office of a verderor in the forest of *W.* you shall to the uttermost of your power and knowledge do for the profit of the king, so far as it doth appertayne unto you to do. You shal preserue & maintaine the ancient rights and franchises of his Crown: you shal not controule from his Maiestie any rightes or priuileges, nor any offence either in Vert or Wenslon, nor any other thing. You shall not withdraue nor abydge any defaultes, but shall endeavour your selfe to manifest and redresse the same: and if you cannot do that of your selfe, you shall giue knowledge thereof unto the king, or unto his Iustice of the forest: you shall deale indefe-

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rently with all the kings liege people: you shall execute the Lawes of the forest, and doe equall right and Justice, as well vnto the poore as vnto the riche, in that appertaineth vnto your office: you shall not oppresse any person by colour thereof for any reward, fauour or malice: all these thinges you shall to the uttermost of your power obserue and keepe, to helpe you God.

The othe of the Inhabitanes of the Forest, being

of the age of twelue yeares, as the same

hath bene accustomed & vsed

in auncient time.

You shall trew liege man be vnto the kings Paastie.

You shall no hurt do vnto his beastes of the forest.

Nor vnto any thing that doth belong thereto.

The offences of other, you shall not conceale.

But to the uttermost of your power, you shall them reueale.

Vnto the officers of the forest, or vnto them that

may see the same request.

All these thinges you shall see done.

So helpe you God at the holy dome.

I haue here set downe the seuerall othes of these officers afoze. I say, to the end that they being compellable by the Law to take an othe, may knowe what their othe is, and so by their othe their office also: for it is a learning at the common Law, that such officers as doe execute offices, in which they shall be forced to take an othe, their othe doth either at large or briefely comprehend the whole effect of their office, as you may perceiue by examininge of those othes aforesaid.

It seemeth, that where a Verderor or other officer of the Forest, hath a right or interest to haue verely for his fee one Buck, or one Doe, by reason of his office, or otherwise in any Forest, Parke, or Chase, that then the same verderor or other officer that hath such right or interest to haue such a Buck or Doe; as afore said; may enter into the same Forest, Parke, or Chase, and there kill and take the same at his will and pleasure, and may iustifie the same as touching and killing of them both by the rules of the common Lawe, and also by the rules of the Forest lawes, as it shall appeare by these cases hereafter following.

A No. 2. R. 2. En trespass il est tenuz come un maxime, que si aucun home ad interest a une chose per le grant ou assent dune autre, et le partie que ad tel interest ne poit auer le principal chose sans faire autre chose; que il poit faire le dit autre chose; ceo iustifiera. quod si tel le meues a benier a son profit. Car la est tenuz que si un graunt a moy tous les arbes creissans in son boys, seoyeur euz succider & carier pristout son terre & mesme son herbe soit de soule ou le carage, il n'aura biers de Transgre de ceo. Car les arbes soient siels choses que ils ne deuissent estre caries nre cariers, il ne puit auer euz ne faire son profit de euz. Et le case fuit la. Aussi adueng que si un benh, tous les peissons en son flanke, et le vender, soit a un trench, il n'aura le rive poer currier hofse, & per tel meues il puit prendre les peissons. Et le benh n'aura biers de trespass vers luy par le fowet & et la esgard fuit que il reconroit par ceo que il puit prendre les peissons per reches, n'aura euz engins. Des si n'ait euz auec meues a prendre euz. Auter est euz. Come est la tenuz. Et par le venier al banks a pischer, il poit bien iustifier, car sans ceo il ne poit euz prendre per aucun meues. Il n'ait que home tous soit, Justifiera la necessaire circonstance, soit ad title al principall chose. Et D. 7. fo. 10. et nota q. le case fuit tel. En br. de trespass sur le flanke de millesops in parkes le defendans dit que le pleintif done un dame male a un B. & il come seruant a le die. B. vient ou luy

Fitzh. titulo
Barr. 237.
Parkins, fo. 23

Per la forest
ley. in an
M. 12. H. 7.
fo. 10. a. nota
an 21. H. 7. ob

a le dit Parke. Et per son commandement luy oïde de tuer le dit dame per force de quel il vient et enter in le dit Parke, et chaise le dit dame et luy tue, de quel chaise le pleintif ad conceiue cest action: Et l'opinion de tous les Justices fuer clerement, que ceo fuit bon iustification. Car ils dient que si un home ad un garant pur un dame male ou female il est rongeable a luy de amesner sez seruantz oue luy de prendre le dit dame, car autrement il leira chaise de prendre le dame luy meisme, le quel n'est raisonnable per que ils semble le iustification bon quel chose bien p'one que lou un home ad interest al un dame come un verberet ad il poit iustifier le p'issans de ceo oue son seruantz. Car autrement s'il sejoisset ne voïle occider son dame pur luy, il ne poit auer son dame. Car il n'ad aucun meanes in la ley a compeller le sejoisset a occider le dame pur luy, et donques s'il sejoisset ne voïle occider le dame, ne il meisme puit iustifier al occider son dame demeane. Donques la ley ne ad p'ovide aucun remede pur luy auener a son dame demeane en que il ad interest, et pur ceo la ley n'est assint bureau assise. Car la ley ad p'ovide un remede pur chescun home auener a ceo en que il ad aucun interest, & ceo auibien en tiels choses de pleasure lon il ad interest en euy come in son propre biens. Come il est bien p'ovue per un case que fuit adiudge Termino Hillarij. Anno. 13. Henrici septimi. fo. 13. nota ibidem. 2. Et le case fuit tel le Duches de Northfolke poit action pur chaser en son Parke apud Ropham in Comitatu Northfolk vers Willeman & alios. Ils dient que le Duches licens le Comes de Suffolke pur chaser a son pleasure in le dit Parke, & ils monstrant que al temps de trespas, le dit Comes vient in le dit Parke. Et les defendantes vue luy chaise &c. Et fuit monstre que cest ple ne fuit bone, car per le licens bon al Comes, que est forlique pleasure, ceo extende forlique a luy, et nul auter iustifier per cest licens, car si ideo done licens a un home pur manger ouesque moy, nul de ses seruantz iustifier l'entre en ma mealon per raison de cest licence, car est licence de pleasure.

Hil. 13. H. 7.
fo. 13, a. nota. 2

Nota le difference inter choses de pleasure, & choses de profit, car lou home ad licence de pleasure, si il ne poit iustifier mes pur luy meisme. Et lou home ad licence de profit il poit iustifier pur auters sicome son seruantz et assint lou home ad interest in un dame a auer ceo cest est en chose de profit & nemy de pleasure, nota le difference.

Et

Et issint si leo done licens a un pur aler a son pleasure in mon Dy-
 charz nul de ses seruaunts iustifier per son licence. Mes si soit li-
 cens que est profit eonmy pur pleasure, autrement est. Car si
 home doite licence a moy de carter ouster son terre ou mon charue
 meys seruaunts iustifier per son licens. Et issint si home licens moy
 dauer un arber in son boys: Mes seruaunts iustifier le scier del ar-
 boz & leltre. Car leo auera profit pur ceo. Et issint suit l'opinion
 de court & puis les defendants dient que le duches done licence a
 le Comes pur chaser, occider & amener oue sur les dames a son
 pleasure. Et donques ils dient, que le dit Comes vient la, et ils
 oue sur et per son commaundement enchaseront et asportaueront
 &c. Et ceo suit tenu bon. Et le licens suit alleidge in Suffolke,
 &c. Et le Duches reioynder de lout roiz demesne sans tiel cause.
 Per quel cause est soit dure proue que lout home ad interest in un
 dame issint que il est auer ceo donques il est a auer profit per ceo.
 Et le berderer ad interest al un dame in la forest pur son s'e dame
 et il est auer ceo et donques il est auer profit per ceo. Issint que il
 poit auer bien iustifier pur luy et pur son seruaunts a occider le dit
 dame in la forest come le dit Comes de Suffolke poit iustifier per
 unam & eadem rationem que il est auer profit per ceo. Et pur ceo
 que il ad un interest et dyoit auer le dit dame et il n'ad auter meanes
 auer ceo si le forester ne boile occider le dit dame pur luy. Et si le
 forester complainte de dit berderer al Justice del Eschequer pur occider
 de un dame il poit bien iustifier le occider del dit dame deuant le dit
 Justice de Eschequer, pur ceo que il est auer ceo et il est a auer profit
 per ceo pur quel cause il ceo prist ceo come un chose que il de dyoit
 doit auer et cest prisans n'est encontre la l'issint & ordonnance del fo-
 rest que sont in ceur parolz, si quis ceperit feram sine warranto in
 foresta issint une n'est punissable que prist feram oue un warrant
 et le interest del berderer ou offiser dauer un dame est bon war-
 rant, quod nota.

Ordinatio For-
 restar, fo. 30.
 cap. 10.

Certaine

Certain Cases queux concernant matiers

del Forestes, Parkes, et Chases que sont aduocés
et clerie in nostre huiers de la comen
ley come ensuit.

Misulans del officer de Forest in son office, est
cause de forfeiture de son office.

M. 15. E. 4. fo. 3
b. Br. Forfeiture. 17.

Annuitie per Brian Justice, si home ad parker qui garde son
Parke, & il occist les Dames cest est bon cause de luy metter
hors le office quere si leneschal, Audicoi, del huiusmodi, ingrosse
leur livers & leur ment, et foune leur discharges et huiusmodi, si ils
ne sont la meisme le degre del officers et illinc un forester qui oc-
cist son dames sans garrant. Il est forfeiture del son office. 15. E. 4
fol. 3. Et cest case est bien proue per un plez, que est plede en a-
uoidance de un assise poit son un graunt de un office de un Par-
kership oue le rent de 11 s. per an, et le redd. vii. quarter frumen-
ti & de officio parcaui parci de B. habend. & percipiend. pro
eodem officio quamlibet arborem & ramos arborum peruen-
tum prostratum in eodem Parco necnon pro quolibet Porco in
eodem parco ad pannagium positi pro eodem pannagio vnum
quadrac, et le defendant in le dit assise dit que il ad tiel graunt es-
tiel fees a pertener a ceo. Apres le plaintife in la dit assise ad occid
les dames en le dit Parke sauns garrant. Assint que il ad for-
feit son office per ceo, et le dit plaintife respnd que il ad tua la
dames per le commandement del plaintif, et illinc al illuc quel
case proue que est clere les que pur parker occider dames sans gar-
rant est forfeiture de son office, et illinc est pur forester, car il est
officer agarder les dames et nient a occider et destrouer eux sans
special garrant a ceo faire, et en Anno. 5. Ed. 4. fo. 26. Le case fuit
tiel Annuitie est demaund pur office del Parkership graunt a luy
pur terme de son vie, le defendant dit que lofficie fuit graunt al
plaintife, ve supra, et que tiel office este de temps dont &c. et que
le

Libro intraco-
nis. fo. 75. in
assise in office.
1. & ibidem in
office. 2.

5. E. 4. fo. 26.
Br. Forfeiture
34

le keepers ont garde le deere, Et le boys per idem tempus. Et que del second iour de Julii tanque le xliii. iour de melme le mois 22. sauages fueront tues per. persons desconus in negligence le pleintiff. Et hoc ec. (Yong) Per negligence del officier lannuitie, et loffice est extinct. Et per Choke Justice, si Seneschall ne tient les courtes, ou ne euy tient pur le profit del seignior cest forseiture de son office. Newton Justice, Parker n'est deus de gard le parke rhesun iour, ne demaine iour ne festiual iours, mes serra al deuine seruite ne in le nuit, ne de garder ceo contra vi. ou viii. hōes, car ultra possit. Et gardē de prison que permiss wilfull escape cest est forseiture de son office, mes escape in le nuit n'est que negligence del officier, quere indei. Arderno, plus est in le plee que ne besoigne. s. adire que les keepers ont garde le deere & le boys in le parke. Car ceo est intēp en le ley. Et tenetur quod neglexit custodire, n'est bon illius. Car neglexit est adinier. Yong, il non custodiuit parcum per 12 dies, ut supra. Danby, cest est le meliour pleading. Et nota que est communement dit quod quel ley est de Parker melme le ley est de forseiter del bn forseit.

Et in Anno quinto, Edwardi quarti. fol. 5. Le case fuit aiudge que si Parker ne garda le parke tali die, per que le deere sont occise per persons desconus, ceo est forseiture de son office, pur ceo fuit le negligence del keeper del parke. Et semble melme le ley del forseiter del forseit, car il ad melme le charge del dāmes come parker ad in son parke.

Anno 5. E. 4.
fo. 5. Br. forseiture. 55.

Et in Anno 11. H. 4. fol. 1. fuit tenus per Vauisour, non attendance sur office per lofficer est forseiture. Et idem de sesans contrarie a son office. Et idem de misse sans de son office que il ne fait doit al parties. Et idem sil soit demānd pur vener de faire son office, et ne vient, et vide tiel matter. 20. E. 4. fol. 6. que officier que ne voit vener a faire son office forseiterra son office.

An. 11. E. 4. fo.
1. Br. forseiture. 61.

12. ann.
20. E. 4. fo. 61
Br. Forseiture
115.

The

The Lord chiefe Iustice of the Forest, hath an absolute authoritie appointed vnto him, to determine of offences that are committed and done within the Queene Maiesties Forrestes, either in Vert, or Venison: And the same offences are to be determined before him, and not before any other Iustices, except those that are appointed by her Maiesties Commission vnder the great Seale of England to aide and assist the said Lord chiefe Iustice in that place, as it doth appeare by the Statute of Carta de Foresta, Cap. 16, in these wordes, as followeth.

Charta de Foresta, ca. 16.

NVllus Constabularius, Castellanus vel balliuus teneat placita de Foresta, siue de viridi, siue de venatione, sed quilibet forestarius de feodo. Ateachiat placita de foresta tam de viridi quam de venatione, et ea. presentet viridarijs prouinciarij, et cum irotulata fuerint, et sub sigillis viridariorum inclusa presententur capitalibus Iusticiarijs nostris de foresta cum in partes illas venerint ad tenendum placita de foresta & coram eis terminentur. Has autem libertates de forestis concessimus omnibus, &c. By which wordes of the statute coram eis terminentur, doth exclude any other Iustices to heare and determine the said offences of the Forrestes, but onely the Lord chiefe Iustice of the Forest, and those that are in Commission appointed with him to aide and assist him: For the statute is in the negatiue of the common Lawe, and doth restraine all other Iustices, and saith coram eis terminentur: and in that sense the Statute is taken by the learned Judges of the common Lawe: For in Anno. 21. H. 7. fo. 22. the case was such: En trespas de malefactoribus in parcis et Count que le defendant intrauit in quandam Forestam, et l'opinion del court fust que cest accion ne gist mye, si non sit, pur misfessans in parcis. Car le statute de West. 1. cap. 20. est tant seulement en Parkes, et ceo ferra ppris stricte. Illinc le punishment que est done pur malefessans in fozeffes est punishable per lestatute de Charta de Foresta et nemy en autre maner, &c. By which case there are two things to be noted, that is to saye, first, that the

Anno. 21.

H. 7. fo. 22.

nota. 8.

the statute de malefactoribus in parcis doth not extend to a Forest, for that a Forest and a Parke are two distinct things at the common law, and therefore that statute that was made to redress injuries done in the one doth not extend to any hurtes done in the other. The second is, that by the said case it doth appeare, that by the construction of the statute of Charta de Foresta made for offenders in the Forests, they are to be punished according to the same statute, and not in any other manner, as it doth there more plainly appeare.

Stat. Westm. 1
cap. 20. de malefactor' in
Parcis.

Charta de Fo-
resta. ca. 16.

And in Anno. 21. H. 7. fol. 30. nota. 7. the case was as followeth: Enbictment de occiser de un Hart proclame troue deuant Justices de peace, et lenditement suit challenge pur ceo que il ne monstre en lenditement en quel lieu le proclamation suit fait. Et auant il ne monstre en quel lieu il suit occise, car si suit occise hors des boundes del forest, il est loyal a luy de luy occiser, fust dit per seignour Fineux que il puit pleder cest matter al iurisdiction del court, pur ceo que les Justices del forest determiner cest matter, &c. By which case there are sixe things especially to be noted.

21. H. 7. fo. 30.
nota. 7.

1 First, that every Indictment against any offender, for offences done in the forest, must be certaine concerning the thing it selfe, for which the offender is Indited, as to shew that it was for killing of a Hart, and also to shew where he was proclaimed a Hart.

2 Secondly, that it must be certaine, concerning the place where the offence was done, for that the killing of the Hart within the forest, or without the forest, doth make the same killing an offence, or no offence, & therefore it must be shewed in the Indictment certaine, in what place of the forest the same Hart was killed, for otherwise it doth not appeare that it was any offence by the Lawes of the forest.

Et vide le case
12 H. 8. fo. 10.
que proue qui
si certus est
extra forestam
vagrans est
loyal a chescū
subiect a occi-
der & apren-
der eeo.

3 Thirdly, it is to be noted that a Hart proclaimed, (which is called in Canons Lawes, fera Regalis a Roiall beast, being a beast of the most estimation of any wilde beast in the forest,) yet if he be wandering out of the forest, it is lawfull for any of the kings Subjects to kill him, without any offence in the forest Lawes.

H 2

4 Fourthly,

4 Fourthly, it is therefore especially to be noted, that a forest must have his limits and boundes, within the which the wilde beastes of the forest are to have a place of firme peace for them to abide in: in the safe protection of the king, from the hurt of his subjects: whereof the same doth receaue the name of Forest, that is to saie, a place for the wilde beastes to abide in for rest: which by shorynes of sprach, is called Forest.

5 Fifthly, that such offences which were committed by any offenders within the forest, are to be tryed before the Iustices of the forest only, & to be punished there by the forest Lawes: for as much as there are Lawes appoynted for that purpose, differing from all other Lawes.

6 Sixtly, that if any man be indicted or called in question for any such offences that are done or committed within any forest, either in Vert or Venison, in any other place then before the Iustices of the forest, that then every such offender may plead that matter to the iurisdiction of the court where he shall so be called in question, and shew unto them that the offence for the which hee was called in question was done in such a forest, and that the Iustices of the forest are to determine that matter only, and that no other person haue power nor authoritie to determine that offence.

And further it is manifest, that by the Statute of Ordinatio Forestar, it is ordained and appoynted, that all offences that are done, or committed within the forest, either in Vert or Venison, shalbe presented at the next Swaninote: and the Statute doth set downe there in what order, & before whom it must be done, that is to saie: corā forestarijs, viridarijs, regardatoribus, apistatoribus, et alijs eorundem forestarum ministris &c. et si in alio modo fiat Indict pro nullo penitus habeatur: which doth not only shew that all offences committed and done within the forest, either in Vert or venison, are only to be presented before the officers of the forest, but it doth perfectly sett downe the manner how the same shalbe done, & if it be done in any other manner then there is set downe, the same shalbe voyd: by which Statute, it is to be gathered, that all

Ordinatio Forestar, in which is in secunda pars veterum Statutor. fo. 67

all the proceedings against offences committed in the forest, in any other place then before the Justices of the Forest, shalbe void: and that none other haue power and authoritie to procede against offenders in the forest, but the Justices of the forest only.

Certaine cases and especiall notes, meete to be learned of all men that will knowe the nature of wild beastes, and who hath, or ought to haue any interest or proprietie in them: All which are things very necesarie for foresters, and officers that doe belong to the forest to knowe.

ANno 43. Edwardi. 3. fo. 24. in an action of trespassse, it was holden that the writt shal not lay, *damam suam cepit* if he do not saie that it was taken in his park or warren: or else say, that he was *damam domesticum*, which doth prouethat if the beast that was taken may be not a tame beast, the plaintife hath not any proprietie in him when he is out of his ground, for so long as he is in his park or warren, he hath then proprietie in him, *ratione soli*.

43. E. 3. fo. 24.
Br. Propertie
10.

And in Anno 22. Henrici 6. fol. 95. It is holden by Newton that in an action of trespassse brought, *quare clausum suum fregit et damas cepit*, that there he may well saie *damas suas*: and so you may see, that where wild beastes of nature be taken out of my soyle, I haue proprietie in them so long as they are in my soyle, & then I may saie *Damas suas*, and when that they are out of my soyle, I haue no proprietie in them, & therefore he cannot saie *Damas suas*.

22 Henrici 6.
Br. Propertie
19.

And in 7. H. 6. fo. 38. it is there holden, that when sauage beastes of the kinges goe out of the forest, the proprietie is out of the king, & so you may see that the king hath proprietie in them when they are in the forest: for it is said there, that the land maketh the proprietie of such wild beastes, *quod nota*: for if they be out of the forest of the king, or out of the owners park or warren, then *capientur* conceditur.

7. H. 6. fo. 38.
Br. Propertie
20

And in 18. E. 4. it is holden there that the deere in a park which are wild of nature, a gift of them is void, if he to whom the gift is made, do not take & kill them while they are in the park: for the owner hath proprietie in them, but *ratione soli*, so that if

18. E. 4. fo. 14
Br. Propertie
31

they be out of the parke, the owner of the parke hath no interest
of proprietie in them.

43. E. 3. fo. 24.
Br. Propertie
37.

And in Anno 43. E. 3. fo. 24. it is holden that an action of tres-
passe quare dampnam suam cepit doth not lie, except the Dære
were taken out of his soyl, for otherwise he cannot saie dampnam suã
because he hath no proprietie nisi ratione soli, but it is contrarie,
if it be dampnam suã dominiã cepit, for in tame dære the owner hath
propertie, quod nota diuersitatem: for in Bærs, Foules or Fishes
lauage, there is not any proprietie nisi ratione soli: Vide Natura
breuium fo. 87. de Esperuers Cuticles et Feris.

Natura bre-
uium. fo. 87.

An. 12. H. 3.
fo. 10. Br. Pro-
pertie. 45.

And in An. 12. H. 3. fo. 10. the case was as followeth: a fosterer of
the forest, doth pursue & followe a hunter, that had chased a Hart
out of the forest into his owne proper land, and there killed him;
and the Fosterer of the Forest did pursue him, and did take the
Hart againe: and the other that had killed the Hart, brought
an Action of Trespasse, de ceruo mortuo capto et asportato,
and he was barred of his action: for so long as a sauage beast,
Fishe, or Foule is in my land, I haue possession of them, and also
propertie ratione soli, and so hee that doth chase them out of my
land, and doth kill them in his owne proper land, he shall lose his
labour therein, and not gaine any proprietie: And I shall haue the
thing killed, if I do freshly pursue it: for that it may be knownen by
the skin, hoznes, and such like. If the same do goe out of my land
of his owne will, then is it lawfull for euerie man to kill him, for
capienti conceditur, and so note a diuersitie, where a man of his
owne wrong, doth constrain him to goe out, and then kill him,
(and where contrarie) and it is holden there by Brooke a Justice,
that if a man suffer his Faucon to slie at a Fesant, and kill him in
an other mans land, he may pursue his Faucon, and take the
Fesant, and he shall not be punished, but for his entrie into his
ground: for the taking of the Fesant, by my Faucon, is a posses-
sion in me: and so where my bound doth take a wild beaste contrary
of the taking of an Oiter, Fox or Graye, for those are vermin, and
against the common wealth, & they are carin: & because they are
enimies to the common welch: men may iustifie the entrie into
other

other mens land to destroy them: But Deer, Fefants, and such like are pleasures and good meate, & men haue proprietie in them, nisi ratione soli.

And in An. 12. H. 8. fo. 4. it is there holden, that a man may haue proprietie in hounds, hawkes, churles, popinayes, and such like, which are wild beastes of nature if they be made tame: and then the owner shall recouer damages in an action of trespass for the taking of the. And yet if he do give omnia bona et cattalla sua, those do not passe by that gift, and by Eliot a Justice, no Repleuin doth lye of them. And Justice Brudnel doth shew the reason therof: for (saith he) the proprietie is not properly knowne; and per an action of trespass doth lye of the taking of them, and likewise for a wastiffe: and it is there saide, that there is no Tythes payde for such wilde Beastes.

12 H. 8. fo. 4.
Br. Propertie.
44.

Certaine cases collected and gathered out of the bookes of the yeares and Termes of the Common Lawe; concerning Forestes, Parkes, and Chases, as followeth.

IN Termino Michaelis, Anno. 1. & 2. Elizabeth Regina: The case was as followeth: Rex Henricus 8. per litteras patentes datas Anno regni sui 33. ex certa scientia et mero motu suis de die concessit, et ad firmam tradidit Richardo Crumwell militi i. Forestas suas de Waybridge & Sapley in com. Hunt. habend. sibi cum suis partibus, membris, porcellis, & pertinentijs vouer. sis, ad eternum lxxx. Annorum, reddend. vi. li. xiii. s. iiii. d. per Annum &c. que test. claus. filicet, & pradiatis R. C. executoribus & assignari custodient, habebunt, & manerebunt in forestis, de tempore in tempus, durante termino pradieto, ceterum damas, &c. eisdem seu alios consimiles in numero in pradietis Forestis, in fine termini pradieti dimittent præsato Regi heredibus & successoribus suis, sans ascun autre reservation del game. Et oye le seignior Roys que ad le fee simple, voil prendre de la game ou bonor garrant la. Et come semble a plus part de les Justices & Sarians dambiden meafons, et al Atturney

M. 1. 2. Regis
Elizabethæ,
Dier. fo. 169.
nota ibidem

Le parol Forest
rest include le
game & tous
autres choses
in le forest.

le Roigne, que il ne poit, car tout le game fuit incluse en le parol et nofme de Forest, et les 100. dames ne sont reſerues deſtre occide ne aucun de eux. Car donques neſt poſſible pur le leſſe a perſonner ſon covenant ſuppa, mes il eſt reſerue tantum pur la maintenance del game & foreſt.

Purpreſture

Anno. 7. Elizabeth, Dier, fo. 240. b. nota. 45.

Anno ſeptimo Elizabeth, the caſe was as followeth: Fuit reſolue per le plus parte de les Juſtices, et le Counſell del Roigne ceſt terme a Sarientis Anne, In preſencia Comitſ Suffex Juſtic' Foreſtar' circa trentam, que le building de un nouel meaſe in le ſeſenal ſoye ou in weſt d'aucun home deins un Forest, eſt un Purpreſture et nopance al foreſt et game, & ſinable ou rentable pur le tolleracion ou permiſſion de ceo deſcroyer, al arbitrement et diſcretion del Juſtice, ou rareable et deſtre deſtrne al pleaſure, &c.

Grant de herbage del Forſt.

Anno. 11. Regis Elizabeth Dier, fo. 285. nota. 40.

Per graunt de herbage Foreſte, The Patentee may incloſe the Foreſt.

Malefactoribus in parciſ.

Anno. 15. 16 Elizabeth, Dier, fo. 326. nota. 3.

Parliem del Chafe.

Anno. 11. Elizabeth, the caſe was as followeth: Le grauntee ou Patentee del Roy de herbagio foreſtiæ auera treſpas vers aucun que conſume ou deſcroy les herbes, mes nemy iachers, ne del fruit de ceo, et auzi prendra abeaſtes la daimmage ſelant, et le brieſ de Treſpas, quare clauſum fregit, ſibien il ſuit de terre, et per le oppinion de iii. Juſtices in Banco Regis Termino Trinitatis. 2. H. 8. Le patente poit incloſer le Forest per tſel graunt.

In Anno 15. & 16. Elizabeth, the caſe was as followeth: Le Chale de Whaddon eſt le inheritance del Corone, et le ſeignior Grepe lieutenant de ceo in fee, et il et les auncetours & lour keepers per preſcription ont uſe de hunter in auzi bien per nute come per iour, les dames bagrants in le maner dun Foreſteſue de S. adſoignant al dit Chale, come in le purliem del Chale, mes deſcuides d'ue un hap & d'ych. Et ſeſceſue ad per le grant del Roigne auzi bien le dit Haner, come le franke warren in les demelneetres de ceo. Auzi bien per la graunt demelne come per confirmation d'aucient former Charters, que les parols. Ita quod nullus inſeret in Warrenum illam ad fugand' ſine licentia & voluntate. f. Les keepers del Seignior Grepe in Auguſt darreine, furent diſturbe et nauſſres pur uſant ceſt libertie in hunting en les dits demeanes, d'ue grand violence et d'amage fait per les ſervants de f. de quels ils estoient indicted, et per mandatum de lour

leur matter, puis quel temps un seruant del seignour Gray este-
ant in le compaignie del keeper & nauke al dit affray, est mort des
strokes &c. cest matter esteant pyimes oye deuant le Counsell
fuit commit al examination pur les ley matters, a les deux chiefe
Iustices et lacturney generall, queux ayant oyes les parties & leur
Counsailours, pensent le ley destre, que le prescription esteant
proue voyer, (quel f. denia) nient obstant le vnite de possession
del Chale et maner de S. in la Roigne, et nient obstant le graunt
del Roygne mesme, et la confirmation del garren, oue les gene-
rall parols de prohibition auaundits, queux extend tantum a le
Subiect. Le liberte del Purlieu remeina vnextincted, & donques
le tuer suppa nient iustificable per le statute de Malefactoribus in
Parcis, & Warrennis, &c.

An. 6. Ed. 6. fo. 80. The case was as followeth: Item, le her-
bage, Agistement, et Panage de Stowe Parke est graunt, et il
surcharge le Parke oue ses auers. Ilint que les dames nont pa-
sture: Quere quel remede pur le graunter, pur ceo que il ne re-
serue aucun pasture pur le game.

Item le office del parkership del dit Parke fuit graunt oue un
fee de 3. li. de les rents: issues et profits del mannoz de Stowe
per les mines del receauer del dit mannoz. Quere si cest graunt
doit charger le mannoz, &c. et semble al seignour Pountagewe
& maister Palles, Justice, que cy. Et postea concord, et dominus
Willowby debit 600. li. pro omnibus dimissis, & concessis.

In Anno. 33. H. 8. Report per mon seignour Dier: It is there
holden, that if a man do hunt in Forest, Parke, or Chale, so that
the same is felonie by the Statute, yet the partie may make it
trespas or felonie at his pleasure whether he will (saith he:) and
so these collections & notes I haue gathered out of the Reportes
of Sir James Dier knight, late chiefe Justice of the Court of
Comon ples, which notes, if you list to search the booke for them
you may see in the Pargent of euery feuerall case, the folio and
note in the which the same matter is contained, and because that
they are necessarie matters for the knowledges of Forest Lawes,
I haue added them vnto this Treatise.

Grault del
herbage del
parke. i
Hillar. 6. 7. E. 6.
Dier, fo. 80.
nota. 59

Anno 6. E. 6.
fo. 80. nota. 90
ibidem

33. H. 8. Dier,
fo. 50. m. 129

Concerning the cutting downe of Woods

in the Forrest.

M. 9. 10. Elizabeth, in les Commentaries, fo. 332. b. per Wray chiefe Iustice,

Note that a man cannot fell his wood in his owne ground without licence.

Consuetudines & assisa foresta, fo. 29.

ANno. 9. & 10. Elizabeth: Anno sing. one verie especial case, concerning the selling of woods within the Forrest of Malcham, and the case is as followeth in these wordes. Wray dit, que si Annoz que est deins un Forrest del Roy Come del Malcham Escheat al Roy, et le Roy done ceo Annoz a vn autre in Fee, il nad in le done del maner done a luy le libertie que il auoit en le maner touchant le Forrest. Car Alemain il est deins le Forrest, et subiect al pasture de dames et feres del Forrest, et il ne poit scier son boyes la deins sans licence del Iustice del Forrest, Car ceo est chose collateral al soyle. Et issint en le done del soyle chose collateral al soyle come sont choses de Prerogative, ou libertie ne passeront point. By which case you may note, that no man can haue any mannoys or lands within the Forrest, but they must be subiect to the Lawes and bondage of the Forrest, that is, that the King (in respect of the wilde beastes that are there to be maintained for his princely pleasure and delight, which cannot be there kept and preserued without Couert and secreete places for them to rest and abyde in:) hath such a prerogative ouer the woods of every man within the same Forrest, that no man may sell or destroye his owne woods without licence of the Iustice of the Forrest: and so it doth also appeare by the statute called Consuetudines & assisa Foresta, cap. 6. in these wordes, Liberatio autem housebote & haybote fiat pro vt boscus pati potest, in statu quo est & non ad exigentiam petentis: nec potest aliquid dare nec vendere, de bosco sine warranto domini Regis, which in English is thus: But deliuerie of housebote and haybote shalbe made as the wood may suffer the same, to remaine in the state in which it is, and not at the request of the demaundant, neither may he giue or sell any thing of the wood without the kings warrant, by which lawe it doth appeare that a man may not take housebote nor haybote, but by deliuerie of the Forester, or warrant of the King.

And by the Statute of Anno primo of Edward the third, cap. 1. It is plaine, that no wan in the Forrest may take or cut down any wood

wood without the view of the Foresters, or licence of the Justice of the Forest, although it be in his owne ground: for the woodes are these, Every man that hath woods within Forests may take the same wood without being attached by any officer of the Forest, so that he do it by the view of the Foresters: then Ergo, without the view of the Foresters he cannot do it. And so to conclude, it seemeth that no man can cut downe any woods within the Forest, without the view of the Foresters, or licence of the Justice of the Forest.

Anno. 1 E. 3.
cap. 2.
Vide Pulron
in his Abridge
ment, in titulo
Woods. 23

Et nota icy sont diuers prescriptions que sont bone encontre le Roy, et quel prescriptions homme peut bien prescriber in Forests del Roy incounter luy come icy ensuit.

Homme peut prescriber que il et tous ceux que estate il ad en le maner de D. quant il ve parke in mesme le maner come append et bon Itinere North. 3. Co. 3. Br. Tit. Prescription 57 et il lunt note que homme peut auer un Parke per Prescription appendant al son maner.

Itinere North:
An. 3. E. 3. Br.
Prescription.
57

Et in An. 5. E. 4. di. 2. fuit pro lege, que homme peut prescriber destre discharge de Corowie, et loem in Leete, ou d'auer park, mes Econtra in bonis & cattallis selonc ou incognitione placit. Car le Roy mesme ne peut ceo auer nist per matter de record: et ideo comon person ne peut estre de meliour condition.

5. E. 4. fo. 118.
Br. Prescriptio.
64

Et in An. 11. H. 6. En un action de Trespas, le defendant prescribe in luy et son anceller, et en eux que estate il ad in tiel meaf & terre in D. de luy gardien del bois de D. prengant Annuitim de chescun commener la xii. d. et le pl. ple de graunt a luy par certain temps expre, & trauers le prescription & bien & bucoire in transg. Et le prescription admet in luy & son anceller et in ceux que estate et il lunt un peut prescriber destre gardien de boyes.

An. 11. H. 6.
fo. 2. Br. Pre-
scription. 95.

Et in An. 2. R. 2. Le case fait tiel que la il fut adridge bon ru-
sime de prescriber que on Swan vient sur terre de d'auin adridge
al Cior de Tames, et eira la. 3. ad 3. Signets, que le owner del
Swan auera 2. des meliours & soloner del terre le 3. Car auer-
ment le owner del terre peut eux enbale quod nota: et hic in par-

An. 2. R. 2. fo.
15. Br. Pre-
scription. 100.

Regula, hic
Nota quel pri-
uilege le royall
gamedel swan
ad sur le terre
de autr in cō-
siderac. del dit
land bird per
la custome.

An. 13. H. 7. fo.
16. Br. Prescrip-
cion. 107.

Nota que hōc
poit prescriber
al hunr in terr
de yn auter al
rechaser les sa-
uage beaſts al
Forest le roy.
Br. Prescriptio
108

titul' Com. Car dictū fuit pro lege 2. Mariz, que custome poit estre allege ou est nul person que poit prescriber. Cōe inhabitantz ne point prescriber, mes ils poit allege custōe que les inhabitāts point cominer in Dale que lun ba ou le lien et lauter ou le person quel person doit estre able de prescriber, car aliter nul valet.

Et in An. 13. H. 7. in Transg. de chose pebruse le def. dit que le lien ou gr. gill adjoynant al forest de Windsor, dont il est Foster de fex, et il et les ancestoys de tempore gr. ount vñe mesme le lieu ou gr. Denchale les sauages del Forest oue ses chiens, & de eux rechaser al Forest, & que 4. dames viende extra Forestam la per que il eux rechase gr. al Forest gr. et bon prescript. per Mordant, Frowike, Vauſour & Brian, car ceo poit auer loyal comencemēt.

Et vide Brooke in tit. Prescriptio, 108. que home poit prescriber que il & les ancestoys de tempore gr. et ceux que estate il av in le maner de C. ont Cwe Parke la come appendant de tempore gr. et bon clame.

Et nota ceo come yn maxime in tous prescriptions & clames aux ibien al comen ley, sicome in le Forest ley. que yn poit bien prescriber tiels choses que point auer loyal comencemēt, mes de tiels choses que ne point auer loyal comencement nul poit prescriber sans monstre del Charter inde ante temps de memorie, ou de allowance de ceo in Eire puis temps de memorie.

An. 1. H. 7. fo.
23. Br. Prescrip-
tion. 56

Et approuer ceo, vide le case in An. 1. H. 7. fo. 23. Que home ne poit prescriber in Sanctuarie nisi monſtrat Chartam Regis ante temps memorie, et allowance in Eire puis tēps de memorie, mes home poit prescriber in waſſe, ſtrape, et wyecke, mes nemp in cartalla ſelone vilagatē, ne daver conuſans des ples extra Curia Regis sans monſtre Charter ante temps memorie, & allowance in Eire puis temps memorie.

An. 11. H. 4.
fo. 16. Br. Pre-
scription. 83

Et An. 11. H. 4. f. 16. fuit tenus in Transg. que home poit prescriber que il et ceux que estate in le maner de B. ont ewe wyecke de tempore gr. in B. et bene sans allowance in Eire. Tamen per Hankc il doit auer Charter inde bel allowance in Eire puis tēps de memorie, et illint nota que nul clame de alcun p̄iudenge.

ou libertie in aucun Forest que ne point auer loal commencement al pimes sans Charter ou graunt del Roy doit estre allowe sans monster del charter ante temps de memoire, et allowance puis temps de memoire.

Certaine principall notes, taken out of the recordes of the ples of the Forest of Pickering and Lancaster as followeth.

First it appeareth by the assises and ples of the forest, that if any Forestier, Verderer, or any other minister of the forest, that hath the custodie of any roles of the forest, at such time as the Justice of the forest, or his deburie shall at a Justice seate hold the ples of the forest, or any such forestier, verderer, or other minister, hauing the custodie of any such roles of the forest, their heire, executores or assignes, or the Tenantes of their landes, in what shire so euer the landes be, do not bring in the roles, presentmentes and inditements of the forest: That then there shall goe forth a precept to the shirife of the countie where such landes do lye, commanding him: *Quod expulsis vxore et liberis se fire faciat omnes terras, et tenementa que fuerunt, ipsius in Balliuatua sua: Ita quod de valore earundem per annum respondeat prefatus Iusticiarius nisi tenentes terrarum et tenementorum ipsius primis venerint ad rotulos suos et alia memoranda predicti dictum Iter tangencia reddendos.* And if it happen that such roles of the forest, or memoranda be lost, then by the assises of the forest, the saide officers or their heires executores and tenementes, may require the Justice of the forest, that they may make their fine with the king for the same, and then the forme of the same entrie is this: *Et admittuntur per finem dimi marce &c.* And if it should happen, that such roles or inditements of the forest be burnt or destroyed by the Scottes, or other enemies of the Realme: yet is not this any excuse by the assises of the forest, although the same were indebe a verie good excuse by the common lawes of this realme: *quia Iudicia forestarum et assisarum eiusdem seorsum ab alijs regni Iudicijs secerantur et solius regis arbitrio vel cuiusdam familiaris ad hoc excusetur.*

If the Foresters, verderers or other ministers of the Forest that haue the custodie of any of the roles of the Forest, & they do nor bring in the same roles at the Justice seate of the Forest before the same Justice, then their landes shall be seised vntil that such officers shall bring in the roles of the forest, as they ought to do.

The lawes & assises of the Forest doth not admit any excuse.

specialiter

specialiter deputati subijciuntur: and therefore in this case the said officer shall make his fine for the same, or else his land shall be sequestred: and the like lawe is of the agistors, if they do faile of their rolles and accountes.

An Indictmēt
in the Swani-
mote is not
trauerfable.

The forme of
an indictment
in the Swani-
mote.

Note the
wordes of a
presentment
in the Swani
mot are, Pre-
sentatum est
per forestarios
et duodecem
iuratores, et
cōiūctum per
viridarios.

And the
wordes of a
presentmēt in
the court of
attachmentes
are, Presentum
est per foresta-
rium, tantum.

Assisa Foresta de Lancaster. fo. 11. Vide the statute called Ordinatio Forestarum anno 34. E. pri-
mi. In what maner offenders shall be indicted in the Swanimote.

But it is to be noted, that all indictments or presentments, which shall be made by the foresters & the Jurie, or twelue swozne men, against any offendor for any offence done in the forest, in Hert or Henslon before the Lord Justice in Eyre of the forest; at his

his seate of sessions of the forest, are trauesable per assisas forestæ as it was adiudged by the whole bench at the Justice seate holden at Waleham holy Crosse, in the countie of Essex, befoze the good Earle of Bedford, then Lord Justice in Eyre, of all her Maiesties forestes on this side Trent, in July Anno Regni Elizabethæ the xiiii. where certaine indictments were presented there by the foresters, and the Jury against John West, William Fiswike, & others, and they were all trauesled, because they were not presented at a Swanimote.

Anno-Eliza.
bethe 24.

Furthermoze it is to be vnderstand, that there is also a manner of proceeding against offendors in forestes, by way of outlawrie: as if any man be indicted for an offence in the forest, & the offendor do dwell in an other countie out of the forest, so that he cannot be attached for þe same offence by the foresters: then the same offendor may be outlawed for his trespassse, and the proceeding therein against such an offendor is in the verie same manner, as it is at the common law: for as at the common law, he that is outlawed for any manner of trespassse, the order is, that he must at five seuerall countiees be exacted or proclaimed, and then after that he is quinq; exactus, or five times proclaimed, then the coroner for his contempt in not appearing, doth giue iudgement that he that is quinq; exactus in that manner, shalbe out of the Quenes Maiesties peace, and so taken as an outlawe, and then such a person is fully outlawed. Eue so is it per alsifa forestæ: for he that is to be outlawed for any offence in the forest, must after the verie same manner be proclaimed as it is vled at the common law, and then when such an offendor is quinq; exactus, he is fully out lawy, & by that outlawy the Quenes Maiesty shal haue the forefecture of his goodes & cattailes, & also the profits of his landes that is so outlawed, by inquisition of the Sherif & the coroners, & also al they that are indicted in the Swanimote by these wordes: Quod sunt communes malefactores de venatione domini regis in foresta &c. shalbe pursued according to the foresaid president.

A trespasser in the forest shalbe outlawed for his offence, as maister Hekket in his reading of the Forest, doth assewer, fo. 19.

Maister Fleetwood in his collection of the forest lawes fo. 8. Maister Hekket, in his reading, fo. 16.

An outlawed person, shall forfeit his goodes & cattailes, and the profits of his landes.

And furthermoze it is to be vnderstand, that if the Verderors at the Justice seat doe make default, then they shalbe amerced for the same default, and distrained by theire landes, to bring in their rolles,

Assisa foresta de Pickring fo. 8. note that by the statute of Carta de Foresta, articulo 16 & articulo 10, it doth appeare that euery offender in the forest, after that he is acquite of the offence, yet he must be bound to the good behauour of the forest euera'terwards.

Itinere Lancast. fo. 6.

rolles, indictmentes, and other munimentes that doe concerne the forest: and he that is indicted either for Vert or venison, and hath put himselfe for the same into the kinges mercie, and hath payde his fine and ransome for it, then the same offender per Assisas foresta, shall put in mainprise by foure severties, that he shall be euery after of god abearing in the kinges forest.

And it is to be noted that although by the forest lawes, and also by the statute of Anno 34. Edwardi 1. it doth appeare quodq; ministri qui ponendi sunt ponantur sicut hactenus fieri consuevit (exceptis viridarijs) qui per electionem et per breue nostrum deputabuntur: yet notwithstanding, if it so do chaunce during the Iustice seate of the forest, either the verderor is so sicke that he cannot attend at the Iustice seate at that time, or that he is dead: Then there may be a new verderor chosen without any writ in that case, in the presence of the Iustice of the forest, by the ministers of the same forest, & by others of the freeholders there, and this kind of election is good in lawe, as it doth appeare in the assise of the Forest of Lancaster. fo. 6.

Touching purprestures made in the Forest.

In Assisa Lancastri, fo. 6. Hedges of iiii. foote high, are contrarie to the assise of the Forest. Itinere Lancastri, fo. 6

The assises of the forest are, that no man may inclose any ground within the forest, ad noucumentum ferarum; and although a man haue licence to enclose his ground, yet may he not enclose the same, cum alia haia, et forfata, nec cum alto palatio contra assisam foresta.

It is purpresture for a man to build any house in the forest, although it be within his owne freeland. The iudgement of purpresture is thus: Ideo ipse in misericordia et clausus predictus prostrernatur. A high hedge of 4. foote high is contrari assisam foresta. If he that do make purpresture, do graunt ouer his lands where the purpresture is made, both he and the grauntee shall be amerced. If any man haue a horse pasturing in the forest, by licence or without licence: if in the night time he enter into the forest and take out his horse, he shall be imprisoned, ransomed and bound to

No man may enter the Forest in the night,

god

god abearing which proueth, that by the assises of the forrest: no man may in the night time enter into the kings forrest, and if he do he shalbe punished. The like punishment and order shalbe taken for him that with Bowes and Arrowes doth enter into the kings forrest, with intent to offend there, although he do no act, per he is to be punished for the same, *Quia per assisam forestæ voluntatem reputabitur pro facto.*

Innere Pickering, fo. b. voluntas reputabitur pro facto.

To cut downe within the forrest *ligna virida* or *Ramos virides* is finable per assisam Forestæ. He that cutteth downe in derwoods, *Thornes, Elder trees, boughes, lignum-ficuum, ficcos ramos, et huiusmodi*, is a trespassor in *Veru*.

He that doth cut downe ligna virida, is a trespasser in Veru.

If *Estovers* be allowed to any man for making of his hedge, and after one yeare he burneth by the same hedge, where other wise they would haue continued two yeares: in this case per Assisam Forestæ he shall not be allowed any new *Estovers*. And if he take more *Estovers* at any one time then he ought to do, the *Estovers* shalbe seized, and he shall make his fine thereof.

Innere Pickering, fo. 3.

If any man cut downe bushes of thornes within the forrest, and carrie the same away in his cart out of the forrest: In this case the Cart and hoxses shalbe seized to the King, and hee shall fine to the value of the wood, &c. If he that hath *Estovers* in the forrest do make thereof *Hurdels* and do sell them, he is punishable. If any cut downe greene hugh within the forrest, and doth conuey the same vpon horse, he shall forfeit the price of the Tree and his horse.

Item, If the people of a whole township do make waik in the greene hugh of the forrest, the whole township shalbe fined, *vz, de villara de C. xxx.s.*

If any man do set any *nye Okes* on fire within the forrest, he is punishable per Assisam Forestæ.

If any Swine be found in the forrest *tempore verito*, they shalbe forfeited to the King. The same law is of *Shrepe*, and of *Goates* found in the forrest in *Mensa verito* & *Warda facta*.

Innere Lane, fo. 7.

If any man do suffer any *Bridges* or *High waies* to be unpoyred, then whosoener ought to repaire the same, he shall make fine,

fine, and shalbe distrained to amend the same per assiam forestarum, or els their land shalbe seised.

The Forester
must be sworn
Itinere Lanc.
fo. 7.

Item, that no Foresters may make any attachements vpon any person within the Forrest before that they be sworne as they ought to be. *Quia est contra assiam forestarum.*

If any subject haue any wood within the Forrest, if his woodward make default at the Iustice seat, his wood shalbe seised into the kinges hand, and so it shall remaine vntill he haue repleued the same, and made his fine.

Ibidem.

Item, if any Forester take any money for Barke, his landes shalbe seised for the money.

Ibidem.

Item, if any white Lawyer do dwell in the Forrest, he shalbe reioyned, and make fine: for they are the common dyellers of the Skynnes of stolen Deere.

Item, if any take Hawkes, or destrope Cories of Hawkes in the Kings woods, they shall make a fine for the same.

Hew & Crye.
Assisa forestarum
articulo. 17.
Itinere Lanc.
fo. 7.

Item, according to the Articles of Hew & Crye, the orders of the Assise of the Forrest are: that if Hew and Crye be made by the ministers of the Forrest, if it be not pursued and followed with effect: then shall the township that are faultie therein be wel fined.

Itinere Lanc.
fo. 8.

Item, that at every Iustice seat of the Forrest, the number of Deere, and the number of Trees that haue bene given awaye by good warrant or otherwise, and such Deere as haue dyed, or haue bene killed or otherwisse, and the windfallies must be presented. Likewise the profit of pawninge, Rushes, Fearn, Gorse, Dogges, and such like must be presented there also.

Nouze Assise
Forestarum per
Basset & Hun-
gerford.
11 E. 3.

It appeareth in the new Assises, precepts and ordinances of the Forrest, made and set forth in Anno 11. Ed. 3. by Basset and Hungerford, that a man may be a Forester in fee, in iure uxoris suae, and may appeare by Attorney at the Iustice seat ad faciendam omnia quae forestario incumbunt durante Itinere Prædicto.

Item Pickering, fo. 2. b.
Custos Forestarum
is mentioned in the
statute of Anno
1. E. 3. cap.

I finde that besides all the officers and ministers of the Forrest there was also one man that was Custos totius Forestarum, and another Supervisor forestariorum, quod nota.

By the Forrest Lawe Roger Bigot Earle of Norff. dyd forfeit this Forrestship in fee in the Forrest of Pickering. Whereby it is to be

to be noted; That an officer in fee may forfeit his office.

Item, Nicholas Peuill and diuers offenders were indicted for that they with Bowes and Arrowes and dogges had killed xliiii. Staggs and Hindes within the Forrest, and in despite had cut off their heaues, and set them by vpon stakes: And for this heynous offence they were first committed to prison and grievously fined: and after accoꝛding to the Charter of the Forrest, they were bound to their good abearing. And he who is indicted for Forrest causes, if he be after pardoned by the King, his pardon is allowed: but he shall put in sureties to be of good abearing in the Forrest.

Item, he that receiveth venison of such as haue transgressed in the Forrest, shall be as well punished as the principall. And he that stealeth Venison in the Forrest, and doth carry the same away vpon his horse backe, the horse shall be forfeited per Assisam Forestæ. But if they take the horse of a stranger which is ignorant of the fact, the horse shall not be forfeited: Quia ignorantia facti excusat, ignorantia Legis non excusat.

This hath bene taken for a verie good forme of Indictment, Quod A. B. est communis malefactor: Venationis vbique in foresta, & malefactoribus venationis consentiens. It is a good Indictement, Quod I. S. confectus est ponere, Acutas Carlicas in berkis huiusmodi ad feras capiendas: And vpon this Indictement was the offender outlawed.

Item, an Abbot that lent a bowe & arrowes to another man to chentent to kill the Kings Deere, was fined and raunfomed. A. B. venit in parco de S. ad malefaciendum de venatione. And this was taken to be a good Indictment. A keeper was indicted for receiuing a bytue to the intent to conceal an offender. If a man find a trespasser in the Forrest, killing or breaking uppon Deere & timber him with the maner & doth receive a reward to kepe his counsel, he shall be imprisoned, fined and raunfomed.

Two men were indicted for striking an Hare in her forme, & for taking of another within the Forrest: the one of them was committed to prison & made fine & raunfomed for the same offence, & was bound to the good abearing of the Forrest. And the other was outlawed: wherby it is to be noted that Hares are Beasts of the Forrest.

Itinere Pickering, fo. 20.
Itinere Pickering, fo. 3.

Offenders in the Forrest, bound to the good abearing. Ibidem, fo. 3.
Radulphus Hastings, & Hugo Hastings, Itinere Pickering, fo. 3.
Itinere Pickering, fo. 3.

In trespass in the Forrest there are no accessaries, but they are all principals. Ibidem fo. 3.

The horse of a stranger shall not be forfeited. Itinere Pickering, fo. 3.
Lending of a Bowe & Arrowes to kill the Deere is finable.

Itinere Pickering, f. 5.
Casu Bulmer. Pickerng, 13.
A Hare is Venison. Assisa de foresta, arr. 8.

Affisa de fore-
sta. art. 3.

By the Affise of the Forrest, Si Leporarij inueni fuerint cur-
rentes ad aliquod nocumentum ferarum Forestarius debet reti-
nere eos & presentare in presentia viridarium, & mittere eos
domini Regi vel capitali Iusticiario forestar.

Itinere Picke-
ring fo. 6. & 41
in le case de
Iohannes Bar-
lar & Iohan-
nes Augustye.

Item, if a Forester do take an offender with the manner, he
may carrie him to prison.

The like presi-
dent is, fo. 6.
W. Moyson.
Ibidem fo. 6.
b. affectors.

The Abbot of Whithby did kill a Harte within the Ryner of
Derwent which was the metes of the Forrest of Pickering: The
Abbot and his companie were Indicted for the same, Quia sepe-
runt unum Corvum in aqua de Derwent quae est Marchia Fore-
ste & venationem illam secum asportauit: And for this he made
his fine and ransome, and was bound to good beharing.

It is to be noted that all the Frecholders within the Forrest as
well Spirituall as Temporal, must in any wise appeare before
the Justice seat, primo die Itineris. And of every towne the
Reue and iii. men also with him, which is called prepositus &
quatuor homines, &c. And if they make default, they shalbe a-
menced, and their amercement shalbe assured by officers there.

Item Picke-
ring fo. 6. b.

It is directly against the Affise of the Forrest, that any Ba-
ker or Brewer should bake or brew in the Forrest.

Killing of
deere by war-
rant.

Item, that the principall Foster at the Justice seat shall make
an account of all the Deere that hath beene killed by warrant
within the Forrest. And in the same place shall iudgement be gi-
uen which be good warants, and which are not. And for those
that are not, the Forester shalbe punished.

Affisa Lanc.
fo. 3.
Pickering fo.
13. 7.

Item, per Affisas Forestar, it appeareth that Tythe was payde
of Censur. Likewise for trees, the chiefe Forester must make
an account of them, by what warrant they were cut downe. And
for those which he cannot shewe good warrant, he shalbe amerced.

Affisa de Pic-
kering fo. 7. b.

Item, if the Foster do give a noble man a course, or his dogges
do kill: this must be presented at the Justice seat.

Affams
Affisa foresta
de Pickering
fo. 7.

And as touching Affises per Affisam Forestar: He that is pre-
sented to have a Shewe or enclosed any lande within the Forrest
out of the Kings demesnes in his owne fee, or in the fee of any o-
ther man, he shall make fine for this offence. And if he will after
com.

The Lawes of the Forrest.

77

compound with the Justice, he may continue the same, paying to the King a yearly rent which must be entered of Record at the time of the arrenting thereof.

And as concerning Agistors of the Kings woods: every Agistor within the Forrest must bring before the Justice seat a full account what money he hath received for pannage. And the forme of the entrie thereof is thus; Rogerus M. respondebat de iiii. s. de pannagio porcorum de Estwood, &c.

Item, if any man take off the Skinne of any wilde Beast that dyeth of the Poyson within the Forrest, if the same be presented he shall be punished for the same: and if he come in, he shall paye the price of the Skinne, and be amerced for the offence.

Assisa forestar
Pickering to.

Item, it is finable to permit a Strangers beastes to pasture in the Forrest, and the forme of the entree of the Record is thus:

Item presentant quod A.B. agistat omnia aueria sua in mora de F. infra forestā ad dampnum domini Regis et ad nocumētū ferarum, Ernesciunt quo warranto, Ideo preceptum est vicecomi quod venire faciat eum. Et postea testatur est per ministros forestar quod ipse nihil habet infra forestam. Ideo pro agistamento predicto in misericordia & remaneat agistamentum in manu domini Regis.

Agistments
Assisa de Pic-
kering, fo. 10.
Alicia Gower.

If any owner of any woods in the Forrest do appoint a Ward in his woods where there was neuer any before, it is finable per Assisas forestar.

Ibidem:

Item, he that without warrant of the King pulleth down his auncient house in the Forrest, and setteth it by in another place without the Forrest, this is finable.

Ibidem.

Item, if the Forresters do disturbe the cattell of any person or township to have common within the Forrest, whereby they have wrong, or do take any money of them by extortion: this is finable by the Justice Seat.

Ibidem.

And because such like matter may chaunce hereafter at a Justice Seate, I have here put downe a prescrite to be followed: vz. Item present' Quod Prior Hospitalis Sancti Iohannis agistat aueria extraneorum apud F. infra limites Forestar quod est

Agistments.

A claime the
first day.

ad nocumentum ferarum & ad damnum domini Regis. Et nesciunt quo warranto. Ideo preceptum est vicecomi quod venire faciat cum, postea venit predictus prior & dicit quod ipse virtute cartarum progenitorum Regis nunc factar' predecessoris suis debent agitare in loco predicto. Et petit quod possit admitti ad finem faciend' cum domino Rege pro clameo suo faciendo licet primo die Itineris non fecit. Et admittitur ad finem xiiij. s. iij. d. per plegios. A. & B.

Pickering. f. 10
In casu Melq.

Item, if a man do make Charecoales of Brouse wood within the Forest, it is sinable. And if he will make tyele so to do by prescription, and do not make his claime thereunto the first daye of the Justice seat, he shall then answer for the value of the Coales to the king.

Item, it belongeth to the Justice seat to inquire who ought to reparaire hydoges decaped within the Forest, and to punish the offenders.

Ibidem.
The Parson of
Skalbies case,
fo. 11.
Magna Char-
ta, cap. 1.

Item, a Parson of a Church was indicted, for that his dogges were not expeditate or lawed. The Prior of Wyntington Parson of Skalbby pleaded, that by the great Charter of England, he was not bound to expeditate his dogges: For there was one Article therein, Quod Ecclesia Anglicana sit libera, & habeat omnes libertates suas integras & illas, &c. And by this plea he was discharged of the Indictment. Eborum. fo. 37.

Item, there may no man fish in any Ryuer that is aboundarie of a Forest, vnlesse he haue warrant.

Ibidem, fo. 11
The Prior of
Bridlington.
fo. 12.

Item, they are to be indicted that ouercharge the Common within the Forest.

Item, there may no subiect without warrant haue a Taccarte within the Forest.

Item, a ryding Foster was presented and fyned for that hee was negligent in his office, and did oppresse dyuers people in taking of Dues and such like.

Item, if any man do interrupt the Verderor or Regarder of the Forest, he shall make fyne.

Item, it is also synable to digge Turffes within the Forest.

And

The Lawes of the Forest.

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And likewise, to take Felants, Partridgees, or other Wyres within the Forest.

Fowles of
Warren.

Item, if any man do offende in cutting downe of Tere, and after dyeth before ppresentment made thereof: yet in this case the King shalbe answered for the Trespas by his heires or land tenants, per Assisam Forestæ.

Placita Forestæ de Pickering coram Iusticiariis

itinerantibus Anno viij. domini

Regis Edwardi, iij.

Bernardus de Berghe viridar' venit et reddidit rotulos suos tam de viride quam de venatione tangent' istam Forestam &c. Guilielmus Ward viridar' non venit ad Rotulos suos reddi ideo preceptum est vicecomiti seiscire omnes terras &c. tenementa eius &c. Postea venit predictus Guiliellimus et petit admitti ad finem faciendum cum domino Rege pro defalta primi diei: et admittitur ad finem dii. Marcij, et quoad Rotulos suos dicit quod furati fuerunt ab eo per quosdam malefactores, et petit quod possit admitti ad finem faciend' cum domino Rege in hac parte et admittitur pro fine 100. s.

Presentatum est per Forestarios et conuictum per viridarios quod Nich' Meuil & alij &c. venerunt in forestam istam &c. cum arcubus sagittis et leporar' et ibi ceperunt iij. Cervos &c.

Item quod Guilielmus Fishborne est communis malefactor venationis domini ubiq; in Foresta ista et malefactoribus conuictiens, &c.

Compartum est per viridarium Rotulos istius Forestæ quod Edmundus Hastings postquam transgressus est de venatione in Foresta ista dimissus fuit coram eis per manucaptor' &c. qui manu ceperunt hadendi eum hic &c. primo die itineris qui modo cum non habent &c. ideo &c.

Iohannes

Iohannes Kilmington nuper Custos istius forestæ dicit quod prædictæ feræ acciderunt in Morina quorum corpora putrida fuerunt suspensæ super quercos, et de hoc vocat recordum Rotulorum Viridariorum &c.

Ministri Forestæ dicunt quod consuetum est ante hæc tempora præsentare quolibet tertio anno de canibus non expeditatis.

Item, præsentant quod Iohannes de Aslaby cepit infra dominicum quatuor quercus pretij iiii. d. Et dimissus fuit per viridar' manucaptor' vsque ad istam Alsifam, Qui modo non venit &c. Ideo ad iudicium de manucaptoribus. Et prædictus Iohannes respondeat domino Rege de pretio prædicto. Et pro Forisfactur' eiusdem iiii. s. &c.

Et quod Humfridus Tober cepit xi. quercos virides infra dominicum pretij cuiuslibet j. d. et carriauit illos cum vno plauastro & vi. Bobis quæ appretionetur, viz, plaustrum ad vj. d. Et Boues ad xvj. s. pretij cuiuslibet ij. s. viij. d. unde tenent' terræ & tenementorum Richardi de S. viridar' istius Forestæ ad cuius manus pertinet prædictum deuenit respondeant. Et similiter pro Forisfactura eiusdem. xj. s.

Item præsentant quod Prior de Maldon cepit ix. plaustra spineti in A. infra dominicum pretij ix. d. Et per viridar' dimissus fuit per manucaptor' vsquam ad alsifam istam &c. Qui modo venit &c. et super hoc conuictus oneratur erga dominum Regem de pretio prædicto. Et pro forisfactur' eiusdem ix. s.

Item, quod Rogerus Scalby cepit unum viridem quercum &c. pretij i. d. unde tenent' viridar' respond' de pretio prædicto. Et pro forisfactur' vi. d. ad quorum manus pretium & forisfactur' prædicti de venerunt.

Item præsent' quod x. Stirkes qui fuerunt Iohannis Roulesby inuenti fuerunt in haia de D. per wardam factam & non agistati, Qui capti fuerunt tanquam forisfacti per alsifam forestæ et appretiantur ad xxx. s. Et retraditi per viridarios eidem Iohanni per plegios &c. ad dictos Stirkes habendos ad istam alsifam, Qui modo non venit, Ideo ipse in misericordia. Et nihil
omninus

is idem Iohannes oneretur de pretio prædicto.

Ministri Forestæ dicunt &c. Quod a tempore quo non extat memoriam hominum, &c. presentatum fuit per Forestarios ad attachiamenta illius forestæ de canibus prædictis Abbatis de Riwall &c. in maner' suis prædictis non expeditatis, fo. 16.

Ministri Forestæ dicunt, &c. quod cum contigerit quod woodwardus prædict' Prioris Sancti Iohannis Ierusalem non venet ad attachiament' Forestæ prout alij Woodwardi diuerforum dominorum in foresta veniant, Tunc ipse Woodwardus semper consuetus est ibidem Amerciari. Et amerciamentum inde ad opus domini Regis leuare sicut & de alijs Woodwardis qui non veniunt & fuerunt amerciari.

Ministri Forestæ dicunt &c. Quod Tho. Wake & omnes a tempore quo non extat memoria hominum habuerunt &c. liberatione Boscu in communibus boscis suis pro se &c. ad quodlibet attachiamentum & hoc ad sufficientiam bosci.

Item dicunt quod escapia, vz, Emende de forinsecis auerijis infra metas Forestæ inuent' per forestarios escapium inde presentatum est & fuit a tempore quo non &c. Ad attachiamenta Forestæ prædictæ & ibidem dominus Forestæ habuit emendas.

In clameo Burgens. de Scargeburgh coram domino Wihelmo Vescye Iusticiar' Forestæ.

ET quia viridarij prædicti nihil responderunt de transgress. venationis factis in Foresta prædicta hoc anno. Ideo committuntur prisonæ. Et educti venerunt & fecerunt finem per iij. li. &c.

Abbas de Whitby clamat habere viridarios suos proprios de libertate sua de Whitby eligend' de cetero in pleno Commitatu Eborum pro vt moris est ad responsiones et presentationes faciend' de transgress. quas a modo fieri contingent de viride & venatione infra metas forestæ de Whitby coram Iusticiarijs domini Regis Itinerant. ad placita Forestæ in partibus illis et non alibi, Sicut viridarij Forestæ domini Regis huiusmodi Re-

L. sponsones

sponſiones et preſentationes facere debent et conſueuerunt.

In Itinere Lancaſtriz.

Foreſtarij venerunt et dicunt pro ſe ipſis et omnibus alijs foreſtar' iſtius Foreſtæ, Quod ipſi foreſtarij nunquam fuerunt onerati de aliquibus Rotulis, ſeu Indiſtament. tangentibus foreſtam, Et quod omnes Rotuli et Indiſtament. remanent penes viridar, &c. Et hoc parati ſunt verificare per miniſtros &c. Qui quidem miniſtri ad hoc iurat. hoc idem teſtantur, &c. Ideo, &c.

Preſentatum eſt quod Iohannes Lancaſtriz cepit tres quercos in Foreſta iſta. Qui venit et dicit quod eos habuit ex liberatione foreſta. pro eſtouijs ſuis &c. Et quia hoc teſtatum eſt per Rotulos viridar. eſſe verum, Ideo diſtus Iohannes inde eat, &c.

Et quia inſpectis Rotulis viridar' iſtius foreſtæ nihil comper- tum eſt de præcio corticum xl. Quercum prædictor. Ideo ipſi liberantur priſone. Et educti finē fecerunt cum domino in hac parte per dimi marc.

Nomina Miniſtrorum foreſtæ de Lancaſtra.

Wilhelmus Blount, Cuſtos totius Foreſtæ et Senefchallus, Roberto de Ratline magiſter foreſtarius eiſdem foreſtæ, Wilhelmus de Holland Superuiſor foreſtariorum totius foreſtæ, Iohannes Balridge Foreſtarius de feodo in warda de Louſdale.

Robertus Fowcher nunc Cuſtos iſtius foreſtæ venit, &c. Et illo amoto Wilhelmus de Clapham iuratus eſt et efficitur Cuſtos eiſdem foreſtæ.

Certaine iudgements and principall notes, taken
out of the Recordes of the Foreſt, digeſ-
ted into Tytles

The Priour of Lancaſter had by Charter, every day two cart
Lode of moſte Boys to be burnt in his Priory: And becauſe
he toke viridem Boſcum pro mortuo Boſco, contrary to his char-
ter the benefit & profit of his eſtouijs was ſeyſed into the handes
of the Lordes of the Foreſt: For the which, the Priour made his
finē

Lancaſter, f. 3.
&c. 64.
Abuſes.

fine: pro estouerij rehabēdis ad iij. li. vj. s. viij. d. et rehabuit estoueria sua Itiner' Lancast' Anno 10. Ed. 3. fo. 65. a. And here you may note that for abuser there growth god cause of seiser. See the like, in the case of the Burgeſes of Lanc. ibidē fo. 66. Note if a man haue Estouers by graunte, as appurtinaunt out of a Forest, vnto a certain messuage: In this case if the same Estouers be spent in any other house, this is a good cause of seiser of the same Estouers, for this is an abuser, the which is a cause of forfeiture. Itiner' Lanc. Anno 10. E. 3. fo. 67. b. The same lawe is of a Common of pasture.

No man may agist within his owne landes within the regord of the forest, except he haue special licence so to do. In clameo Abbat'is de Riual, Itiner' Picke, 10. E. 3. fo. 166. quere de hoc, for the wordes of the Statut of Carra de forest are these: vnusquisq; liber homo agistit boscum suum in Foresta pro voluntate &c.

If the Justice of the forest do any thing stricke at the allowing of any mans libertie claimed before the, then may the party grieved haue a writte of allowance, or a writte to procede to allowance. Itiner' Pic. fo. 182. a. Where the Justice of a Forest, doth stay ouer long in allowing of a libertie that is claimed: then may the party grieved, purchase the kinges writte of allowance directed to the Justice of the forest, commaunding him to allow the same. The tenor of which writte, doth appeare: Anno 10. E. 3. Itiner' Lan. fo. 9. fo. 65. In the claime of the Abbot of Furneaur. If at one Justice seate, certaine liberties be allowed: at another time the same allowance may be pleaded quod nota: And the recoorde of the allowance shalbe sent downe by writ vnto the Justices.

It was admitted and adiudged in the claime of one Lambeson that to be quited of Pannage, intempore pannagij, might be appurtenaunt unto a mannes free hold. An office of a woodwarde & the barke of timber Trees selled, was claimed to be pertaining vnto a manor, & adiudged accordingly. To be quite & discharged of Pannage: and Pannage of Swine within a forest may be by prescription appurtenaunt vnto landes. And to claime that he and his auncestors a tempore quo &c. is a good title without

Abuser.
Affisa Lancaster, fo. 3. & 66
Affisa Lancaster, fo. 4.

Agistments.
Pickering, f. 16

Allowances.

Itinere Pickering, fo. 16
Abbas de Riual, & fo. 23
Abbas de Whitbe.
Ibidem. fo. 16.
Abbot de Riual.

Appurtenance.

saying that he and his auncestors, and all they whose estate he hath in c. raine landes &c. a tempore Sec.

Assertis.
Pickering, f. 15

No man may assert of rycoloz, but by the kinges warrant: in casu prioris sancti iohannis Ierusalem in assisa Foresta de Pick. fo. 18. b.

Attorney.

Note that the Prior of S. Johns, did make his claime by one of his confriers, whome he made his attorney, being a dead person in lawe. quod nota.

Brusewood.
Assisa de Pickering, f. 19

The Lord of a Forest, may enter by his officers into any mans Wood, the which is growing within the regarde of the forest, and cut downe bruse Wood, for the Dære in Winter.

Buildings.
Lancaster, fo. 5

Note that it appeareth by the claime of the Abbot of Weriuall, that within the regarde of any Forest, no man may build either houses or barcaries: quod nota. It appeareth that within the Forest, no man may builde any newe houses or barcaries, or vse tillage in any newe groundes, without speciall licence. It appeareth by a claime made by the Abbot and Couent of Weriuall, that none may make any new buildings within the Forest, except he haue good warrant from the Lords of the Forest: for the Abbot made claime by graunt that he might make omnimodum commodum suum sine assertand sine edificand modis omnibus &c. And if he might do it without warrant, it had ben in vaine to haue had licence, and also to haue made his claim for the same. And that the assises of the Forest are so, it appeareth by a presentment made in a case of the Prior of Lancaster

Assisa Lanc. fo. 9.

Cablicia.
Comon of pasture.

Lanc. fo. 13.
Sheep, Swine, nor Goates are allowed to haue comon in the Forest.

Default.
Itinere Lanc. fo. 5.

Cablicia is proprietie Bruse Wood: Itiner' Lanc. 10 E. 3. fo. 17 2. a. Itiner' Picke.

A claime made for comon of pasture is good. It is to be noted that neither Shepe nor Swine are allowed to haue Comon within the Forest: quia bidentes et porci non sunt animalia ad comunicandum in Foresta, sed prebent exilium ferarum in eadem in clameo Burgenf. Lan. fo. 30. the same lawe is of Goats In clameo Burgenf. de Preston. fo. 5.

Nota, that if any do make a claim & do after make default, heire libertie shalbe seised into the Lords handes: for default is a cause of

of seisure: in the case de domino de Gerfingham, and others. A woman tenant for terme of life of a Parke, within the Forest of Lancaster made her claime for that being called Knoghley Parke, and also for a free warren, and after made default: where vpon one Latham being tenant in reuerſion was receiued, & made claimes both for the Parke & also for the free warren: and because he did not shewe forth any good matter to warrant his title: therefoze was it adiudged, quod clausus predictus prosternatur et remaneat Foresta vt prius, et quod warrennia predicta capiatur in manus domini &c.

Ibidem.

If it chauce a demurrer in lawe so fall out betwene the king and his subiects, vpon a claime before the Iustice of the Forest: they may adiourne the same into the kings Bench, there to be determined. Nota, the president is excellent.

Demurrer.
Pickering, f. 21

If a Iustice seate be discontinued, by the not comming of the Iustice: In this case, the king by his writ, may reuie the same againe. It is to be noted, that in case the pless of the forests be discontinued, by the not comming of the Iustices: that in that case the pless may be reuiued againe by the kings writ of resomynns whereby all thinges shalbe and remaine in pristino statu. See the president therof. Itiner. Pic. fo. 15.

Discontinuance & Resomons.
Pickering, f. 15

Patet that secundum assisas Forestarum expeditatio canum, must and may be euery third ycare.

Expeditio canum.

William the Earle of Warren, Boheme & Barton, graunted by his deed, vnto the Abbot of Furneaur, that he & his successors, might take within his Forest of Lancaster maremiu &c. que ad visus suos sunt necessaria, et nominatim ad piscariam suam de Lanc. faciendo quicquid eis ad hoc opus fuerit. And in his claime

Pickering f. 16
Exposition by vsage.

the Abbot claimed sufficient timber both for his Hamlet of B. & also for his piscarie, and for all other thinges necessarie &c. And that, by that word Maremiu, he had vled & enioyed the same euersince the making of the saide graunte without the vied of the Foresters. And the blage being thus founde by the iurys, his title of claime was allowed. Here it is to be noted, that many times darke and obscure wordes are expounded by blage: as appeareth

Pickering, f. 17
Lancaster, f. 9.

Maremium.

in this president quod nota: for this worde Maremium is expounded by the meane of blage, for timber to build with all. And this worde Maremium, is also in this place expounded for Mesuagium.

Escapium.

Pickering, f. 15

Ibidem, 17.

Ibidem, 19.

To be acquite of escapes within a Forest, both signifie that where after the assises of the forest, If any mans Beastes be found within the landes forbidden, or in the fence time within the forest: then the lawe is, that the owner of the same beastes shalbe amerced for every sorce i. d. And if the second time the beastes be found againe, then to be amerced in like manner. And if the third time they be taken offending, vt supra: then shall the same beastes bee forfeited unto the Lord of the forestte: of all which amercementes, he that is quietus de escapio, is clereely discharged. ibidem.

Footegeld.

Pickering, fol.

17

Ibidem.

Chiminage.

To be quit of foote geld, is to keepe doggs within the forest without any merementes, fine or forfeiture ibidem.

To be quite of chiminage, is a discharge of chiminag silver paid for passage through the Forest, with cariage of any thing upon Hozle backe. ibidem.

Ibidem.

Note that the Lord of a Forest, hath this prerogative ouer all men that dwell in his forest: that at such time as he is disposed to chase within his forest: every man must be ready to hold a Greyhound, for the taking of wilde beastes in such places as they shall be appoynted: or else the defaulters to be amerced. And he that hath the benefit or discharge of this worde Tristis, is not bounde by the assises of the forest to giue any such attendance. ibidem.

Tristis.

Faux claim.

Lancaster, f. 3

fol. 64.

Pickering, f. 15

By reason of Charter, the Bprou of Lancaster had the tenth of all the Tension: viz. In carne tantum sed non in corio. And because he made a false claime, and saide that he ought to haue the tenth of all the Tension within the forest of Lancaster, as well in carne as in corio: therefore the Bprou was in misericordia de decima venationis sue in corio non percipiendo &c. Thus ye see that for the offence of a false claime, the punishment is to make fine, and not to lease the same.

The fence Moneth.

Fence month.

month.

Pickering, f. 20

The fence Moneth is alwaies xv. daies before Wholsomer, & xv. daies after Wholsomer. Quod nota, euery common Moneth is but

but xxiii daies, but the fence Doneth is xxi.

Nora that such as ought to make claime &c. by the assises of the Forest: they ought to put in theire claime the first day of the Justice seate: or else, at any day after, their claime shall not be received without fine. And when the claime is once put in, if the claime be in any point faulty, if they will amend their claime they must make fine. quod nota. ibidem.

No man may common with Goates within the forest, without especial warrant. Nora that Capriolus non est bestia venationis Forestæ, quod nota.

Nora that all the inhabitants within the Forest of Lancaster being freeholders, did make claime to be acquitted of all manner of Aert, and of Regard, and of diuers other thinges: and this claime was allowed of in Cire, by reason that John Cherle of Marston, being Lord of the Forest of Lancaster, did by his Charter graunt the same by these wordes: Sciatis me concessisse omnibus vilitibus et omnibus chengis, et omnibus liberis tenētibus qui manent in Foresta mea de honore de Lanc. qd' possunt &c. By this prestident ye see that a graunt was made vnto a cominaltie and god &c. There pefe that a subiect is and may be Lord, & owner of a forest.

Belsa claimed within his Woodes, to haue the atrie of Fawcones, Sparlens and Sparrowhaikes. And not withstanding the letter of the great Charter of the forest: it was enquired by the Ministers of the Forestes, whether he had bled to haue the same.

It appeareth that no man may cut downe Herb and Wbenes, or digg curues within the Forest, without godd warrant.

If a libertie to make a Parke be graunted by the king, & is not after bled: this non bleder shall be inquired of. It may be gathered as well within the claime of the Abbot of Riual, as in diuers other claimes, that after that a libertie is graunted, if the grauntée do not bled the same continually: that the non bleder shall be inquired of: the which non bleder is a godd cause of seiser.

It appeareth that none may gather Nuttes within the Forest without warrant,

Nora that a licence to emparken and enclose a Parke, must containe

Fine.

Pickering. f. 10
15.
Iohannes de
Melfa.
In Clameo
Abbatis de
Myriual, f. 69

Goats.

Pickering. f. 67

A graunt
made to a
cominaltie.
Lancaster, f. 4.
Pickering. f. 22

Pickering. f. 10
19.

Hawkes
Gilbert de
Acton, f. 148

Heath,
Whenes, &
Turnes.

Pickering. f. 19

Non vser.
Pickering. f. 15
17. 18
fol 166

Nuttes.

Pickering. f. 19

Parke.

tainc

raine a certaine quantitie of grounde: and it must be the
sole of the grauntee, or else vpon inquisition had in de w lozme of
lawe, the Parke is to be selled &c.

Sumptuous
Dacres

That a Subject being Lord and owner of a Forrest, may giue
licence vnto another to make & enclose a Parke within the meettes
of the same Forrest: o haue and to holde the same Parke enclosed
with all such Uenisons as the grauntee shall put therein to him &
to his heires for euer. And this was aduoged and admitted for a
good licence in a claim made in Eyre. It is to be noted that if such a
Park be so slenderly fenced & enclosed, that the wild beasts of the for-
rest do enter into the Park: then may the Lord of the Forrest enter
into the said Parke at his pleasure: & there hunt at his pleasure.

Affisa de Pic-
kering. fo. 64

Extra regardū
Foresta,
Hares, Foxes,
&c.
Pickering, fol.
11

It is to be noted, that if any man haue a Mannor, wherevnto
both belong a certaine Wood, the which Wood is within the com-
passe of the Forrest or inuironed with the Forrest, the which wood
is notwithstanding without the Regarde of the Forrest: In this
case by the assises of the Forrest, he must make his claime by these
wordes: viz. Gilbertus de Aston clamat tenere boscum suum de
Trousedale pertinent. ad manerium suum de B. extra regar-
dum foresta viz. illum boscum qui est ex parte borial' &c.
And so on with all the limites of the same &c.

Lancaster, f. 5.
Abbas de Mi-
riual.

Pickering f. 14

Pickering, f. 16
Reuiner post
mortem.
Abbas de Ri-
ual. fo. 166

Item the same man made claime to hunt the Hare, the Fox,
the wilde Cat, the Hartton in B.

Item, the same man claimed to haue libertie to plucke by the
Heathe in B. by the routes, and to dig turves in the Haze of A. and
the same to sell at his pleasure, & to carry them out of the Forrest.

Item to Agiste, and to take the agistment to his owne vse &c.
All which claimes, being founde to be trewe by the Ministers of
the Forrest were allowed, by iudgement by these wordes: Eat ha-
beat et gaudeat salvo iure &c.

An Abbot made his claime: & hanging his claime dierb. A new
Abbot being made, declared this plea: and being tried to be trewe
by the Forsters, Clerderoyes, and Regardoyes: the newe Abbot was
permitted, but in a newe claime.

Nota in the claime of the Abbot of Riual: it is apparent, that
within

within the Regarde of the forest, no man may turne any land into tillage, without god warrant.

Henry the second, graunted unto the Abbot of Dork the tenth of all his venison in Dorkshire by his Charter. By this it appereth, that for wild beastes there was no tithes due: for then might not the king haue graunted other persons tithes.

Tillage.
Pickering, f. 16
fo. 18.

The Priour of Lancaster, did claime the tithes of Venison, and son. the tithes of Damnage, viz. decimam bestiam in carne et corio per manum minister de foresta: And the tenth peny of the Damnage when the Damnage of the Forest was collected. And he made his title by vertue of a graunte made by the Lozde of the Forest unto one of his predecessors, and his claime was allowed for good.

Tithes veni-

In case one doe claime by prescription, by tenure, or by graunte to be Foster of the, and saith that it may be enquired of by the ministers of the Forest: In this case the Verderors, Regardors, and Agistors shall trie the title. But if a man do claime by inheritance or otherwise any profit appendant within the Forest, as a common of Estovers, or of pasture, or such like. In this case the trial shall be by the Fosters, Verderors, and Regardors: But not by the Agistors, prove pater &c. In case the master of the claime do require attaint by the Countrey, there the conclusion of the pleier shall be, Et hoc paratus est verificare prout Cur. &c. Ideo inquiratur unde veritas per ministros eundem foresta. And in this case the Verderors, Regardors, and Agistors shall only trie the title. But yet notwithstanding, you shall see very many instances; that when the entrie hath ben, et hoc petit quod inquiratur per ministros eundem foresta &c. that this hath immediatly ensued, viz. et quia videtur quod hoc expediat ob necessitate ad inquirendum tantum per ministros foresta, predicta quam per alios probos et legales homines &c. And thus you may see it is in the election of the Justices, whether the ministers with others may be impaunted or no, to enquire if there be any pretence, that the Countrey hath tried any title of claime without the Ministers of the Forest.

son.
Pickering, f. 19
No tything
venison by the
Lawe, but in
some places
by vsage.

Lancaster, fo. 3
Tryall,
by Verderors,
Regardors, &c
Agistors.
Pickering, f. 15

Pickering, f. 11
Dumtax in A
quisitionibus

Lancaster, fo. 3
Lancaster, f. 2.
Lancaster, f. 4.
In clameo Io-
hannes Acres,

Woodwardes may not walke with Bome and shabbes: but with Forest billes, quod nota,

Woodwards.
Pickering, f. 21

The Courtes of the Forest.

First, it is to be understood, that there be three principall and chiefe Courtes usually kept for matters of the Forest, that is to saie: the Court of Attachementes; the Courte of Swaninote: and the highe Courte of the Lord Justice in Eyre of the Forest, commonly called the Justice seate. And these three severall Courtes are of three severall natures as at large hereafter it shall appeare: wherefore to the intent that the saide Courtes may the better be knowne everie one in his owne proper nature, I have here set them downe, & placed each one of them in his owne place and degree as they are, together with their severall authorities and proceedings, as you may see hereafter. And because the said court of Attachementes is the meanest and lowest Court of them all; For that, that in the said Court of Attachementes the officers there do nothing but receive the Attachments of the Foresters, and inroll them in the rolles of the Verderors, to have them in a readines against the time of the keeping of the Court of Swaninote. And for that the saide Court of Attachementes cannot determine any offence or trespasses of the Forest, If the value of the same trespassse be above the value of xlii. pence: but that the same offence & trespassse, if the value be moze then foure pence must be by the saide Verderors inrolled in their roll, & so to be sent from thence to the Swaninote to have an orderly tryall of the same there according to the Lawes of the Forest: Wherefore I have placed the same Court first of all, because that the greatest part of all the presentments do first begin there: & also because that when offences and trespasses of the Forest are presented by the Foresters in the saide Courte of Attachementes before the verderors of the Forest, and that they have entred them in the rolles and recordes of the Forest, then the same Court cannot there procede any further therein, neither is that proceeding by them as yet any conviction against the offender in those offences: but that he that is such a trespasser may yet traunce the same presentment that is against him.

The Court of
Attachementes
first, next

him, buttill that the same haue passed the Swanimote Court of the Forest: so that such trespasses as are presented at the Court of Attachmentes, must of necessitie procede from thence to the Court of Swanimote before that the offenders and trespassers may be punished or stand convicted as guilty in law of theire offences. Therefore I haue placed the Court of Swanimote next vnto the saide Courte of Attachmentes, as a Court that is higher then the Court of Attachmentes, and yet moze lower or inferior then the high Court of the seate of the Lord Justice in Eyre of the Forest. For when the presentmentes of the Courts of Attachmentes, as afoze saide, and also all other presentmentes of the Swanimote Courte, haue had theire proceedings in the same Courte, according to the assises & ordinaunces of the forest; & that all the trespasses of the forest are there presentat' per Forestarios et duodecem iuratores. et conuict' per viridarios, as they must be of necessitie by the law: yet cannot the same Court of Swanimote then determine the same trespasses or assise any fine for any such offence, or giue iudgement thereof (any other, then that the saide offenders are convicted thereof, as is afoze said.) But the same presentmentes, Indictmentes, and conuictions, must be deliuered to the Lord chiefe Justice in Eyre of the Forest at the Justice seate. the first day of the same seate, when they are called for, according to the ordinance of the Forest made in Anno Tricesimo quarto Edwardi primi articulo 1. And according to the assises & customes of the Forest, made in Anno 6. Edwardi primi articulo 19. And according to the forme of Carta de Foresta articulo 16. In these words, *Et ea presentet viridarij provinciarum, et cum irrotulata fuerint, et sub sigillis viridarij inclusa presententur capitalibus Iusticiari' nostris de Foresta cum in partes illas venerint ad tenend' placita de Foresta, et coram eis terminentur:* so that it doth appertaine only vnto the Lord chiefe Justice in Eyre of the Forest at the high Courte of Justice seate or generall Sessions of the Forest to giue iudgement of all offences, and to assise the fines, and to punish the offenders. And because that all the proceedings of the two other Courtes are as

The Court of Swanimote next vnto it.

Ordinatio Foresta articulo. 1
Assisa & consuetudines Forestarum, artic. 19.
Charta de Foresta, artic. 16.

throughout the whole yeare the same Court of Attachments shalbe kept, and there must not be any longer distance of time then fortye daies, from the keeping of one Court of attachmentes, vnto the keeping of another Courte of Attachmentes: For if there be, then the same Court is not kept nor holden, according to the same Statute euerie fortye daies throughout the whole yeare. And because the same Court is kept euerie fortye daies, it is called, the fortye day court: neither is the same court to be kept in any shorter time then euerie fortye daies: for if it be, the same is not then kept according to the direction & authoritie given by the same Statute for the keeping of the same. The wordes of the same Statute are further as followeth: *Ad videndum attachiamenta de Foresta tam de viridiquam de venatione*; In which wordes, there are two principall thinges to be noted, that is to saie, the first is the office and dutye of the Verderors, and what they ought to do at this Courte of Attachmentes: which is, *ad videndum Attachiamenta de Foresta*: that is to saie, to see the Attachmentes of the Forest: soe that the office of the Verderors at this Court of Attachmentes is here as it were euen pointed out with the finger what they are there to doe: which is, to sit there to see the Attachmentes of the Forest, and to receiue the same attachmentes of the Foresters and Woodwardes that doe present them there, and then to enter those Attachmentes in the rolles of the Verderors. And it seemeth that because this Court is most chiefly a Court for the Foresters, to bring in their Attachmentes of the Forest, and for the Verderors to receiue the same Attachmentes, therefore the same Court is called the Courte of Attachment, retaining his name of the effect of the thing which is (as is said before) *ad videndum attachiamenta*, to see the attachmentes of the Forest. Then the second thing that is here in this worde alsoe, is to be noted is, of what matters they are to see attachmentes of, and to receiue attachmentes of, which left that happily they should herein exceede their authoritie, the said Statute doth plainly set downe, of what matters those attachmentes ought to be which they shal soe receiue at the said Court of attachmentes

Why the court of Attachments is called the xl. daye court.

Why this Court is called the court of attachments.

Of what thinges the Court of Attachements hath authoritie to deale in.

in the wordes aforesaid: viz: de viridi et de venatione, which is of Vert and of Venison. So that all attachmentes that this Court hath here by this Statute any authoritie to deale with all, the same must concerne the hurte or iniurie that is done, or that is to be done to the Vert or Venison of the Forest, or else this Court is not to medle with the same, for their authoritie is but tam de viridi quam de venatione: So that you may see by this Statute that tuerie forty daies through out the whole yeare it is appoynted that the Foresters & Verderors shall assemble themselves together, to see the attachmentes of the Forest, as well of Vert as of Venison: wherein is shewed how often this Court shalbe kept and holden: The office of a Verderor at the same Court; and for what thinges the attachmentes there ought to be made. Nowe the wordes of the Statute there are further as followeth: per presentationem ipsorum Forestariorum, et coram ipsis attachiatis: In these wordes here is set downe the office of the Foresters or keepers, and wherefore they ought to come to this Court of attachmentes, which is to present offenders, & offences, or trespasses there, & to bring in the attachmentes there that they haue made of offenders, which they haue attached for doing of such trespasses in the Forest. For it appeareth by this Statute, that the office of the Verderors is to view the attachmentes there, and to receiue them, per presentationem ipsorum forestariorum. And the office of the foresters or keepers at this Court is to present the attachmentes of the Forest before the Verderors, so that the difference betwene the office of a Verderor, and the office of a Forester at this Court of attachmentes is this: that a Verderors office is, ad videndum attachiamenta de Foresta: and a Foresters office is ad presentandum attachiamenta de Foresta: and these wordes, et coram ipsis attachiatis, must be vnderstood in this manner, as if the wordes had bene: Et coram ipsis viridarijs attachiatis presentatis: that is to saie, presented before the Verderors as thinges attached, or persons that are attached for some trespasses done in the Forest in Vert or Venison. And it doth same that before the making of this graunt of the liberties of the Forest, the Court

of

of Swanimote, and also the said Court of attachementes then called the Allodmote Court, were holden verie often, and yet not at any certaine time neither, but at the will and pleasure of the chiefe officers of the Forest, which was a great trouble and vexation to the inhabitantes in Forestes. For the aboiding of which mischiefs, this branch of this Statute or graunt was made. First to set down how often in euery yere the Swanimote shalbe kept. Secondly at what daies & times in the yere the same shalbe kept. And thirdly that the courts of attachementes shalbe kept euerie fourtie daies throughout the whole yere. And because that offences & trespasses in Forests did daily increase and grow to be more & more; and for that the saide Court of Swanimote is by this statute restrained to be kept any oftener then thrice in the yere: therefore this statute hath specially provided that the Court of attachementes shalbe holden and kept euerie fourtie daies throughout the whole yere: and that is a verie precise limited authoritie, appoynted by this Charter for the keeping and holding of the same Court of attachementes: so that the same may not be kept or holden in any other manner then by this limited authoritie is appoynted. And it is held for good law at this daie, that if the court of attachementes for the Forests be holden or kept in any other order then euerie xl. daies, that is to saie, in longer or shorter time then euery xl. daies, that then the keeping of the same Court is void and without authoritie so to do: for that the same is not kept according to the limited time appoynted by this Statute. And yet I doe not think that all the proceedings in the same Court so holden are therefore void in Lawe by that not holding of the Court according to the time appoynted: for if such a Court of attachementes be holden sooner than euery fourtie dayes, which is contrarie to the limited time appointed by the Statute, and at that Court so holden, there be diuers presentments and attachementes presented against offenders in the Forest, & afterwards those presentments do proceede to the Swanimote: and at the Swanimote Court the same trespasses or offences doth there take exceptions to the same presentment presented against him, for that the same was

He that hath an authoritie to do a thing, must follow his authoritie in doing of the same.

presented at a Court of attachement: that was not holden as the same ought to be by the limited authoritie given by the said Statute: yet that Exception shall not auoide the same attachement or presentment, for as much as the Court of attachementes did not procede in the same Judicially; but only to receive the same presentment or attachment, to Enroll the same in their roll, and to deliuer it to the next Court of Swaninote: and such a receiving of a presentment, or attachment at such a Court so holden, cannot by any reason make the same void, for as much as the same presentment or attachment had bene still good in Law if the same had not at all bene presented vntill the next Court of Swaninote and then presented there, and not before. But if a Court of attachementes be holden contrarie to this Statute: and a forrester having attached an offendor in the Forrest, to appeare at such a Court of attachment before the Clerdore, by an Oxe, or a Horse, and the man so attached doth not there appeare at that Court, whereof the same Court of attachementes doth giue iudgment: that his beast is forfeited by his default, in not appearing: & the same beast shall be sold & the price thereof to be tenues to the vse of the king, This proceeding now in this case is void in law: for in this case the said Court of attachementes doth procede herein Judicially: but it is otherwise in the case before. Note the difference. And yet for all this, it is to be noted, that sometimes this court of attachementes may be kept a daie or two more then forty daies after the Court of attachementes that was kept last before it, & yet the same Court is not kept any otherwise then according to the meaning of the same Statute: but that is but in certaine cases of necessitie, which cannot otherwise be aboided: as if the next fortyeth daie next ensuing the former Court daie, do fall to be vpon a Sundae, or vpon Christmas daie: then the same Court day that so doth fall vpon a Sundae or vpon Christmas daie, may be deferred a daie longer, but that is because of the necessitie that cannot be aboided in that case: for it is to be thought, that it was not the meaning of this Charter of the Forrest at the first, that this Court of attachementes should be kept vpon any such daie as Sundae or Christmas

Vide Maister
Hesket, in his
reading of the
Forrest. fo. 13.

may have which are provided for the service of God only: For such
 dayes are not accounted any dayes in Lawe to hold any Courtes
 in: and so necessarie here hath no Law in this case. And this Court
 of attachements doth differ from all other Courtes: in that the
 same is to be kept every fourtie daies throughout the whole yere
 by the Verderors &c. and therefore this Court is called of some
 men the Verderors Courtes, because that the Verderors do kepe
 the same Courte: and yet at this Court of attachements, all the
 Foresters of the Forrest ought to appeare there also, by this
 Charter. And as Maister Hesketh affirmeth in his learned reading
 of the Lawes of the Forrest, fo. 44. all other officers and ministers
 of the Forrest ought to appeare at this Court of attachements, al-
 though that the letter of this Statute doth not specifie so far by
 speciall wordes: for the Statute doth speake but of Foresters
 and not of any other officers. And at this Courte every Forester
 must by his orbe present all offenders in Clerg and Venison with-
 in their severall walkes and charges: and also all Attachementes that
 they have made. Woodwardes must likewise present at this court
 all offences done within their charge: but they cannot make any
 Attachment, nor Attach any offender within their charge, for the
 wordes of assisa et consuetudines forestarum articulo. 12. are these: si
 Woodwardus viderit malefactum in custodia sua, vel bestiam mori-
 ruam, debet monstrare capitali Forestario vel viridario: So that
 you may perceiue by this Statute, that a Woodward may mon-
 strare, but not attachiare, that is to say, he may present offenders,
 but not attache offenders. The vsuall forme of a presentment in
 the fourtidaye Courte or Court of Attachment, according to the
 course of Law is in this manner, viz. ad istam curiam attachia-
 menti dominus Reginus Forestarum suarum de Waltham in com. Essex
 tenent apud Chigwell in eodem com. nono die Julij Anno
 regni domine nostre Elizabethę dei gratia Anglię, Francię et
 Hibernię Reginiæ fidei defensor &c. vicissim primo. Iohannes
 Mathowes forestarius iuratus de warda de Woodford:
 infra Forestam istam presentat quod Iohannes West de Chink-
 ford in com. Essex ycoman nono die Julij Anno Regni domine

The Verderors
 Courte.

Maister Hesketh
 fo. 44.

quidamno 2
 ad quodam
 additum 2
 Consuetudines
 Forestarum Arti-
 culo 12.

quidamno 4
 articulo 12
 presentat

The title of
 the Courte
 of Attach-
 mentes.

The forme of
a presentment
in the fouri-
daic Court.

searched by

searched by

nostra Elizabetha dei gratia Anglia, Francie et Hibernie Regi-
nae fidei. defensor. &c. vicesimo primo intrauit Forestam istam
cum arcubus et sagittis et ibidem in quodam loco vocat Wood-
foyd Wade infra forestam predictam versauit vnam damiam ad
mortem et carnes cepit et fecit inde voluntatem suam: and it is
to be noted, that euery presentment that shalbe made against any
such offender, for any offence done in the Forest, in Vert or Veni-
son, must be certaine concerning the same offence, & that in these
three things hereafter following.

1. The person
of the offender.

2 Concerning
the place
where the of-
fence was
done.

3 Concerning
the thing in
the which the
offence was
done.

4 Concerning
the Instru-
mentes.

5 concerning
the manner of
the acte.

First, the same must be certaine concerning the person of the
offender, as to shew the name and surname of the offender, and
the place where he doth dwell.

The second is, that the same must be certaine concerning the
place where the offence was done, as to shew in the presentment
that the offence was done in such a place, which is within the Fo-
rest: so that thereby it may appeare whether the same offence
were done within the Forest or not: for thereby it may be detetned
whether the same offence be any offence or no offence.

Thirdly, the same presentment must be certaine concerning
the thing it selfe, in which the offence was committed or done, as
to saie, that the offender killed a Buck or a Doe, or as the cause
in cruet was.

Fourthly, the same must be certaine concerning the instru-
mentes, with the which the offence was done: and that ought to
be shewed certainly: for the instrumentes with the which the of-
fence was done are forfeited to the king: as if an offender do en-
ter into the Forest with a Crosebowe or a long bowe, and there
doe kill a Deere, the Crosebow is forfeited to the king, and so is
the long Bowe likewise.

The fifth is, that the same presentment must be certaine concer-
ning the manner of the doing of the same offence, for the manner and
foyme of the doing of the same offence may make the punishment
thereof greater or lesser, as the case doth require: It may make
the same offence to be a voluntary offence in the offender or a
negligent offence in the offender, as if a man riding through the
Forest

Forest hauing a Greyhound fast in a slip by his side & the Greyhound passing this way to the Forest doth espye the Deere, and with the force and strength of the Greyhound, he doth slip the collar, and so against the will of the owner the same Greyhound doth kill a wilde beast of the Forest: this is but a negligent offence in the owner of the Greyhound, in which case the manner of the same offence must be certainly shewed.

Voluntary offence, negligent offence.

And as concerning Attachementes of the Forest: it is to be noted that there be three manner of Attachementes of the Forest, that is to saie,

- 1 } By goods & cattels.
- 2 } By body, Pledges, & Mainprise.
- 3 } By the body only without pledges or Mainprise.

The first manner of Attachement is, to Attache a man by his goodes and Cattels: and that is to Attache a man in the same manner as the Sherife doth make an Attachment at the common Lawe by the goodes of any person in an Accion of debt or trespassse in the County Courte, to cause the party attached to appeare there and to answer the saide Accion. Euen so it is if an offender within the Forest haue committed any offence in any manner of nether Acte, and afterwarde when the Forester hath knowledg thereof, then the Forester may attache his Cowe or his horse or any other beast or goodes that he hath within the Forest, and then after such Attachement made, to declare vnto the owner of the same goodes or Cattels, the cause why he is so Attached, and to will him to appeare at the next Courte of attachementes, and to find Pledges there to answer the same offence, and then such a Forester in the meane time, to keepe such goodes or Cattel or Cattels so attached in his owne Custodie, vntill the next Courte of attachementes to be holden for the same Forest: and then the same Forester, at the said next Courte to bring in the same attachement before the Justices, and there to present aswell the offence for

The first manner of attachment.

the which he was so attached y^e also the attachement it selfe, to
 then that the Verderors may see to the same; and then if the same
 offender do not make his appa^rance at the saide next Court, & ac-
 cording as he was attached to be, to answer his saide offence, but
 there both make default, then by his default for not appearing, his
 goods that were so attached are forfeited to the Quenes Maies-
 tie; & then by the order of the same Court, the same attachement
 shalbe sold & the valew thereof shal be answered to the Quene:
 and the same offender shal be attached againe by other goods,
 and the like shal be still done against him untill such an offender
 do appeare at the said Court of attachementes, and there do put
 in suerties or pledges to answer the saide offence at the next
 Justice seate of the Forrest. But if such an offender do appeare at
 the said Court of attachementes, and doe there finde pledges to
 answer the offence aforesaide at the next Justice seate of the Fo-
 rest: then he is to haue his goods that were attached deliuered
 vnto him againe. But it seemeth by the auuncient Presidentes of
 Forrest Lawes, that in euery presentment of offences done in the
 Forrest in Vert that is presented before the Verderors, the valew
 of the Vert must be set down in the same presentment and deliue-
 red to the Verderors vpon the othe of the Forrester, and if by the
 presentment of the Forrester vpon his othe, it doth appeare that
 the value of the same Vert is vnder the summe of foure pence, so
 that the same offence doth seme to be so small an offence that it is
 not woorthie to be heard before the Loyde Justice in Eper of the
 Forrest: then the Verderors may determin the same offence before
 them in the saide Court of attachementes and assele the fine, and
 also cause the same to be leuied to the vse of the Quenes Ma-
 iestie, and al this to be entred in their roll accordingly. And the like
 manner of attachementes by goods and Cattels may be made
 and vled for all manner of small offences in the Forrest, and for
 any manner of trespassse in Vert or Wenison, where the offender
 is not taken with the manner doing of the same trespassse, (sauiug
 only in certaine cases which shalbe shewed hereafter) for that by
 that meanes the forrester may compele the offender in the end to
 come

In a present-
 ment of Vert
 the valewe of
 the Vert must
 be set downe.

come before the Verderors to appeare at the said Court of Attachements, and there to finde Sureties or Pledges to aunswere the same trespassse or offence according to the Lawe in that behalfe at the next Justice seat of the Forest before the Lord Justice in Eyre of the Forest. And thus much concerning the first attachment by goods and cattails.

The second manner of attachment, is, to attache a man by his body, by pledges, and by mainprise: and this manner of attachment may be made and vsed in euery case where the Forester doth finde any offender in the Forest trespasssing in Vert, and doth take him with the manner doing of the same (so that the same be not in the Kings demesne woods, making of Asserts or Purpresture there;) then the Forester may attach him by his body, and then cause him to finde two Pledges to aunswere the same offence at the next Court of attachments. And then vpon his appearance at the saide next Court of attachments there to be mainprised vntill the coming of the Lord Justice in Eyre of the Forest.

The second manner of Attachment.

And this manner of attachment is warranted by Consuetudines & assisa Forestarum, Articulo. 1. in these wordes, Si quis Forestarius inuenerit aliquem attachiabilem pro viridi in Foresta nostra primo debet ipsum attachiare per duos plegios, &c. And if the same offender be taken with the manner offending in the Forest the second time, then the Forester shall attache him by the body, and cause him to finde foure pledges to appeare at the next Court of Attachements, and then there to be mainprised vntill the generall Sessions of the Lord Justice in Eyre of the Forest to aunswere the saide offence: For in the saide Statute of Assisa & Consuetudines Forestarum, the wordes are these, Si idem inueniatur alias debet ipsum attachiare per quatuor Plegios. And if afterwardes the same offender be found offending againe in the Forest the thirde time, then the Forester shall attach him by the body, and cause him to be brought before the Verderors, & there to be mainprised by eight Pledges, according to the same statute of Assisa & Consuetudines Forestarum, articulo. 1.

Consuetudines et Assisa Forestarum Articulo. 1.

Assisa et Consuetudines Forestarum Articulo 1.

And it is also to be noted, that in all cases where the offender is to

Assisa et consuetudines Forestarum, altered by the Statute of 1.E.3.cap.8.

1.E.3.cap.8.

1.E.3.cap.8.
7.R.2.cap.4.
noman shalbe taken nor imprisoned for Vert nor Venison, velle he be taken with the manner.

be attached by the body and Pledges, there of necessitie the offender must be taken with the manner: for otherwise, the Forester, nor any other officer in the Forest may not attach any such offender by the bodie and Pledges (except he do take the same offender with the manner:) For this Statute of Assisa & Consuetudines Forestarum aforesaide, was made in Anno. 6. Edwardi primi, And now long since the making of that Statute of Anno. 6. Edwardi primi, this Lawe and Statute is altered in some parte, by a Statute that was made in Anno. 1. Ed. 3. Cap. 8. For the same Statute of Anno. 1. Edwardi tertij, cap. 8. doth directly set downe there the verie manner and fourme how euery offender in the Forest, either in Vert or Venison shalbe Endicted for the same offence, & also before whome the same shalbe done, & there addeth to the same Statute further, that if any man be indicted for any offence done in the Forest either in Vert or Venison in any other manner then in the same order and maner that the same Statute there doth set downe and declare, that then the same Indictment and proceeding shalbe void and of none effect. And it is by the same Statute likewise enacted also, that from thence forth no man shalbe taken nor imprisoned for Vert nor Venison, vules he be taken with the maner, or else, indicted after the forme before specified in the same Statute, so that now by this Statute of 1.E.3 cap. 8. & also by the Statute of 7.R.2. cap. 4. if the forester or other minister of the forest, do not find the offender doing of the trespassse, or do take such an offender in the forest with the maner, then the same Forester or other minister of the forest is forbidden by these two latter Statutes to take the body of any offender, or to imprison him, to finde Sewerties, in this case, because the same person was not taken with the manner. But yet, if any person haue done an offence in the Forest, & the same offence is not presently knownen, so that the offender is not taken with the manner doing of the same offence, and therefore by the law the Forester cannot attache his bodie for the same: yet in that case, the forester may notwe attache him by his goodes as is aforesaide, and so cause him to finde pledges to aunswer the saide offence, or else to forfeit his goodes

goodes of cattells that shalbe attached for the same, from time to time, untill he doth appeare and finde pledges as is aforesaid: but surely no offender in the Forest, either in Vert or Venison, may be attached by his body, or imprisoned for Vert or Venison, vnles he be taken with the manner, or else indicted in the forme before specified in the said Statute: for these two later Statutes were made directly in the negatiue of the Lawe that was before: & so the said Law or Statute of Alsisa et Consuetudines Forestar, made in Anno 6.E. 1. is altered in this point, that is to saie, that in all cases where the Forester is to attache an offender by the body, there the same must be vnderstood, that such an offender must then be taken with the manner, or else he may not be attached by the body, nor yet imprisoned to find suerties or pledges causa qua supra. Note the statute well, for the wordes are these: No man shall be taken, nor imprisoned, for Vert nor Venison &c. and by this worde, taken, is to be vnderstood, that he shal not be arrested by his bodie for Vert nor Venison, vnlesse he be taken with the manner. But now howe this worde (with the manner) shalbe vnderstood, I leaue you to the sence and construction of the Statute it selfe. And see the Statute here before, and the notes in the margin, concerning the same. And this much concerning the second manner of attachement, that is to be made by the bodie, by pledges, and by mainprise.

The third manner of attachement for offences of the Forest, is to attache an offender by the bodie only without any pledges or mainprise: and this manner of Attachement is warranted by the Statute of Alsisa et Consuetudines Forestar, & afterwarde the same manner of attachment is in some parte confirmed and allowed of by the foresaide Statute of Anno 1. E. 3. cap. 8. And this manner of attachementes by the assises of the Forest, called Alsisa et Consuetudines Forestar, made in Anno 6.E. 1. and by the Statute of 1.E. 3. ca. 8. which you may see here before amongst the Statutes, is there expessed and declared to be for offenders in the Forest, that are, in six degrees, as it shall plainly appeare.

A. 6.E. 1.

Alsisa et consuetudines, is altered by this Statute of 1. E. 3. cap. 8. 7. R. 2 cap. 4.

The third manner of Attachement by the body only.

The

Assisa et consuetudines Forestarum, altered by the Statute of 1.E.3.cap.8.

1.E.3.cap.8.

1.E.3.cap.8.
7.R.2.cap.4.
noman shalbe taken nor imprisoned for Vert nor Venison, vuleſſe he be taken with the manner.

be attached by the body and Pledges, there of necessitie the offender must be taken with the manner: for otherwise, the Forester, nor any other officer in the Forest may not attach any such offender by the bodie and Pledges (except he do take the same offender with the manner:) For this Statute of Assisa & Consuetudines Forestarum aforesaide, was made in Anno. 6. Edwardi primi, And now long since the making of that Statute of Anno. 6. Edwardi primi, this Lawe and Statute is altered in some parte, by a Statute that was made in Anno. 1. Ed. 3. Cap. 8. For the same Statute of Anno. 1. Edwardi tertij, cap. 8. both directly set downe there the verie manner and fourme how euery offender in the Forest, either in Vert or Venison shalbe Endicted for the same offence, & also before whome the same shalbe done, & there addeth to the same Statute further, that if any man be indicted for any offence done in the Forest either in Vert or Venison in any other manner then in the same order and maner that the same Statute there both set downe and declare, that then the same Indictment and proceeding shalbe void and of none effect. And it is by the same Statute likewise enacted also, that from thence forth no man shalbe taken nor imprisoned for Vert nor Venison, vuleſſe he be taken with the maner, or else, indicted after the forme before specified in the same Statute, so that now by this Statute of 1.E.3 cap. 8. & also by the Statute of 7.R.2.cap.4. if the forester or other minister of the forest, do not find the offender doing of the trespassse, or do take such an offender in the forest with the maner, then the same Forester or other minister of the forest is forbidden by these two latter Statutes to take the body of any offender, or to imprison him, to finde Sureties, in this case, because the same person was not taken with the manner. But yet, if any person haue done an offence in the Forest, & the same offence is not presently knownen, so that the offender is not taken with the manner doing of the same offence, and therefore by the law the Forester cannot attache his bodie for the same: yet in that case, the forester may nowe attache him by his goodes as is aforesaide, and so cause him to finde pledges to aunſwer the saide offence, or else to forfeit his goodes

goodes or cattells that shalbe attached for the same, from time to time, untill he doth appeare and finde pledges as is aforesaid: but surely no offender in the Forest, either in Vert or Venison, may be attached by his body, or imprisoned for Vert or Venison, vnles he be taken with the manner, or else indicted in the forme befoze specified in the said Statute: for these two later Statutes were made directly in the negatiue of the Lawe that was befoze:

A. 6. E. 1.

& so the said Law or Statute of Alsisa et Consuetudines Forestar, made in Anno 6. E. 1. is altered in this point, that is to saie, that in all cases where the forester is to attache an offender by the body, there the same must be vnderstood, that such an offender must then be taken with the manner, or else he may not be attached by the body, nor yet imprisoned to find suerties or pledges causa qua supra. Note the statute well, for the wordes are these: No man shall be taken, nor imprisoned, for Vert nor Venison &c. and by this worde, taken, is to be vnderstood, that he shall not be arrested by his bodie for Vert nor Venison, vnlesse he be taken with the manner. But now howe this worde (with the manner) shall be vnderstood, I leaue you to the sence and construction of the Statute it selfe. And see the Statute here befoze, and the notes in the margin, concerning the same. And this much concerning the second manner of attachement, that is to be made by the bodie, by pledges, and by mainprise.

Alsisa et consuetudines, is altered by this Statute of 1. E. 3. cap. 8. 7. R. 2 cap. 4.

The third manner of attachement for offences of the Forest, is to attache an offender by the bodie only without any pledges or mainprise: and this manner of Attachement is warranted by the Statute of Alsisa et Consuetudines Forestar, & afterwarde the same manner of attachment is in some parte confirmed and allowed of by the foresaide Statute of Anno 1. E. 3. cap. 8. And this manner of attachementes by the assises of the Forest, called Alsisa et Consuetudines Forestar, made in Anno 6. E. 1. and by the Statute of 1. E. 3. ca. 8. which you may see here befoze amongst the Statutes, is there expessed and declared to be for offenders in the Forest, that are, in six degrees, as it shall plainly appeare.

The third manner of Attachement by the body only.

The

1. degree, assise
Foresta Arti-
culo 1.

Verte.

Who may
bayle an offe-
der Impriso-
ned in this
case.

2. Degree, as-
sise Forestæ
Articulo 4.

Vert.

Who may
baile an offen-
der in this case.

3. Degree.

The first degree of those offenders in the forest that are to be attached by the body only without any sureties or mainprise; is specified & declared in Assise et Cōsuetudines Forestæ Artic. 1. in these wordes: *Postea post tertium Attachiamētū corpus debet Attachiarē et retinere vt memoriā habeatur quid sit virid*: so that if an offender haue bene taken with the manner offending in Vert in the Forest, and haue bene deliuered by two pledges for that offence: and likewise for the second time offending, by foure pledges: and afterwarde for offending againe, the third time haue bene deliuered by 8. pledges, according to the saide article: then if he be taken with the manner doing of a trespassse in the forest in Vert the fourth time, his body shalbe detained in Prison according to the said assises of the forest: Scilicet, *postea post tertium Attachiamētū corpus debet attachiare et retinere &c.* And then he that is so attached by the body & imprisoned, he shall not be deliuered out of Prison, or be bayled without the kinges especial warrant for that purpose, or that he be bailed or deliuered out of Prison by the Lord chiefe Justice in Eyre of the Forest, or by the chiefe warden of the Forest: for otherwise he that is so imprisoned, as is aforesaid, no officer of the forest, may deliuer him out, or to mainprise.

The second degree of such offenders as are to be attached by the bodie only is specified in the saide assises and customes of the forest Artic. 4. in these wordes: *Si quis inuentus fuerit in dominico domini Regis assertando vel purpresturam faciendo corpus debet protinus retinere*, so that if any man be found or taken with the manner, making of purpresture in the demesne woodes of the king, his bodie shalbe forthwith taken, and after that he is so attached by the bodie, he shall be detained in Prison for the same offence, and then he shall not be deliuered out of Prison or bailed without the kinges especial warrant, or by the Lord chiefe Justice in Eyre of the forest, or by the chiefe Warden of the forest: for in this case no other person can deliuer him by bayle or otherwise.

The third degree of such offenders, is also declared in the saide assises of the forest in the fourth article, in these wordes: *Si au-*
ecm

tem extra dominicum infra, rewardum debet poni per sex plegios, et si alias inueniatur debet duplicare eius plegios, si tertio corpus debet retinere: so that if a man be found in the Forest, asserting or making of Purpessure out of the kings demesne Woods, for the first offence he is to be deliuered by six pledges. And if he be found offending so againe the second time, then he shall double his pledges. But if he be found so offending againe the third time: then he shall be attached by his bodie, and shall be detained in prison, and shall not be deliuered or bailed out of prison, but as is before said, and not otherwise.

Verte.

Who shall
baile an offend-
er in this case

The fourth degree of offenders in the Forest in this case, is expressed & declared in Assisa & Consuetudines Forestarum articulo the first, in these wordes: Si quis attachiabilis fuerit contra vadios et plegios debet distringi per cartalla sua infra metas Forestarum inuenta, si autem defecerint, corpus eius detineatur, quousque fecerit quod debuerit. In this case, if any person that hath bin an offender in the Forest in Vert, and being therefore bound to the good behaviour of the Forest, and afterwards the said offender committing the like offences in the forest againe, and being taken with the manner, and hauing no Cattel in the Forest that may be attached by for the same offence: then his bodie is to be attached and to be detained in prison untill that he haue done that which by the Lawe he ought to doe. And such an offender is called contra vad' et plegios, because he doth now offend contrary to his pledges & suerties: & such an offender shall not be deliuered out of prison by meanes or by any other person then is aforesaid.

4. Degree,
Assisa Forestarum
Articulo 2.

Vert.

Who may
baile an offend-
er in this case,

The fifth degree of offenders in this case, is for Venison, which is declared in Assisa et Consuetudines Forestarum articulo 10. in these wordes: Si quis ceperit feram sine Warranto in Foresta corpus suum arceatur, ubicumque inueniatur infra metas Forestarum, et quando captus fuerit non deliberetur sine speciali precepto domini Regis, vel capitali Iusticiarum Forestarum suarum: and againe in the same assises in the 11. Article in these wordes: Si quis viderit aliquos malefactores infra metas Forestarum aliquam feram capere vel asportare debet illos capere secun-

5. Degree,
Assisa Forestarum
Artic. 10. & 11

Venison.

Note the
word is, fera,
a wild beast.

Who may
haile an offen-
der in this case.

6. Degree,
Anno. 1. E. 3.
cap. 8.

Vent & Veni-
son.

Vide the Sta-
tute, Anno. 1.
E. 3. ca. 8.

lum posse suum, et si non possit debet lenare hircum & Cric
Sec. In which cases, if any offender be taken with the maner kil-
ling of a Deere in the Forrest, or carrying of the same away with-
out a good warrant so to do: then such an offender in this case is to
be attached by his body, and to be imprisoned, and there to be re-
tained untill such time as he bee deliuered out of Prison by the
kings especiall commandement, or the commandement of the
Lorde chiefe Justice in Eyre of the Forrest, or by the chiefe Warden
of the Forrest: for no other person may deliuer him or let him to
mainprise.

The 6. degree of such offenders in the Forrest, as are to be at-
tached by the bodie only without pledges or mainprise, is set
downe and declared in the Statute of Anno 1. E. 3. cap. 8. and
this is either in Vent or Venison, in these wordes. It is agreed
and appaiued, that from henceforth no man shalbe taken, nor im-
prisoned for Vent nor Venison, vntlesse he be taken with the man-
ner, or else indicted after the forme specified and declared in the
same Statute: So that it doth appeare plainly by the very wordes
of the same Statute, that if an offender in the Forrest, either in
Vent or Venison, be indicted after the same forme and manner
mentioned and declared in the said Statute, and before such offi-
cers as is there appoynted: that then if such an offender be at-
tached by the Forrestier, or by the Shireff, by his bodie: (as he by the
Lawe ought to be:) hauing a warrant for that purpose from the
Lorde chiefe Justice in Eyre of the Forrest to attache suche an of-
fender, or from the chiefe Warden of the Forrest, or his Lyeute-
nant: then his bodie is to be retained still in prison, and then he shal
not be mainprised, nor let to bayle by any person, vntlesse it
be by the speciall commandement of the king, or by the Lorde
chiefe Justice in Eyre of the Forrest, or by the chiefe Warden of
the Forrest. And in the very like manner it is, where an offender
in the Forrest is outlawed for the same offence, and his bodie is at-
tached by the Shireff, by Capias vilagarum. And this you doe see
that there be sixe degrees of offenders that are to be attached by
the bodie only without pledges or mainprise. And note this for a
speciall

speciall learning, that in euery case where the offender is to be attached by the body onely without Pledges or mainprife, as in the foresaide five degrees, there such an offender is not to be bailed by the Verderors, nor by the Foresters, nor by any other minister or officer of the Forrest, vntlesse the same be by the Kings speciall commaundement, or by the Loyde chiefe Justice in Eyre of the Forrest, or by the chiefe Warden of the Forrest: See the wordes of the saide Statute and note them well, for they are as followeth, vz, No man shalbe taken nor imprisoned for Vert nor Venison, vnlesse he be taken with the maner, or else indicted after the forme befoze specified: and then the chiefe Warden of the Forrest shall let him to mainprife till the Eyre of the Forrest, without any thing taking for his deliuerance. And if the chiefe Warden wil not so do, he shal haue writ out of the Chauncery, which hath ben in old time ordained for such persons indicted to be at mainprife til the Eyre. And if such a chiefe Warden after that he hath receiued the writ, doe not incontinently deliuer such persons indicted to mainprife without taking any thing: then the plaintiffe shall haue a writ out of the Chauncery to the Sherriffe to attache the said Warden to be befoze the king, at a certaine daie, to answer wherefoze he hath not repleuied him that is so taken: and the Sherriffe, the Verderors being called to him, shall deliuer him that is so taken, by good mainprife in the presence of the Verderors, and shall deliuer the names of the mainperners to the same Verderors to answer in the Eyre of the Justices. And if the chiefe Warden be therof acquitted, the plaintiffe shall recouer his treble damages; and the saide Warden to be committed to prison, and ransomed at the kings will. And from henceforth it shalbe written to them, as to the chiefe Wardens of the Forrest, Because they may not be Justices, nor haue any record: but here in this case, the Sherriffe doth let him to mainprife by the kings commaundement, that is to saie, by the kings writ: for otherwise the Sherriffe might not so do. And the Verderors in this case are but assistants to the Sherriffe, for they doe not toyne in authoritie with the Sherriffe, in letting of him to mainprife, for they haue no such commission: & au-

Where the offender is to be attached by the bodie onely without Pledges or Mainprife: there the Verderors nor Foresters, may not bayle the offender.

1. E. 3. cap. 8.

thoritie, for the writ is directed to the Shiriffe only, and not to the Shiriffe and Verderors, but it is contained in the same writ, that the Shiriffe shall let him to mainprise in presentia viridarium, because that the Verderors being Judges of record, the names of the mainperners be deliuered vnto them. And this much concerning attachements, and the repleuing of persons that are attached.

How men
that are bayla-
ble shalbe bai-
ed, and by
whome.

Now it is to be sene, how this band by Pledges shalbe taken, and by whome. And therefore first of all it is to be noted, that in all cases where any offender is to be attached by his goods and cattals, which is the first manner of attachements, or els to be attached by his bodie, by Pledges and mainprise which is the second manner of attachement: The most meetest Officers to take bonde of such offenders in the cases aforesaide, in the which they are by the Law to be baylen, are the Verderors, and that for two causes. The first is, that for as much as the saide Verderors are Judges of Record, and haue the keeping of the rolles for matters of the Forest vntil the comming of the Lord Justice in Eyre of the Forest: therefore if the Foresters do take any offender with the maner offending in Vert in the Forest, they are to attache him by the body, and to bring him before the Verderors: and then they may take a Recognizance of the offender and his Pledges to answer the same offence in the Eyre of the Justice of the Forest, because they are Judges of Recorde, and therefore they may take a Recognizance in this case, and so may not the Foresters do, for they are no Judges of Record, but accusers of offenders, & presenters of offences done by others in the Forest before the saide Verderors. The second cause is for that, that the saide Verderors are men, that of necessitie must be learned and well practised in the knowledge of the Lawes of the Forest, and such offenders must be baylen and mainprised according to the qualitie & degree of their offence, in some cases by two Pledges: and in other some cases by foure, sixe, or eight Pledges: And in some other cases, the offender is not to be baylen at all by the saide Verderors or Foresters, as it hath beene already shewed before: nor yet by any other

other person, but onely by the Lozde chiefe Justice in Eyre of the Forest, or by the chiefe Warden of the Forest. And then if the Foresters or other Officers of the Forest that are ignorant of the Lawes of the Forest, should take vpon them to bayle such offenders, no doubt but great inconueniences would enswe thereby, aswell vnto the King as also to the offenders themselves: And therefore such offenders are most meetest to be bayled by the fore- said Verderors, to the ende that the saide Verderors may bayle them accordyng to the verie Lawes of the Forest. And for that cause the Lawe hath provided and appointed a Stewarde that must be learned in those Lawes to ioyne with them and to direct them in their proceeding, accordyng to the same Law. And when such offenders are Bayled before the said Verderors, then the same Verderors are to keepe the same Recognizance for the Kings vse, vntill the coming of the Lozde Justice in Eyre of the Forest, and also to cause the Forester to present the same offence in the same nature as it was done: and then such presentments to be entred in the Rolles of the Verderors accordyngly. Where- as, if the Foresters when they haue arrested such an offender might Bayle such offenders themselves at their owne wil & pleasures without the Verderors, there might be great parcialitie bled therein: and many grievous trespasses concealed from the King, and neuer any presentment made thereof before the Verderors at the Court of Attachements, or at the Swanimote Court. And also the Verderors may take an Obligation of the offender and Pledges with him as the Lawe doth appoint in that case: Which Obligation being made vnto the Queenes Ma- ties vse, shalbe as forcible in Lawe, by reason of the Statute of Anno. 33. H. 8. cap. 39. as any Recognizance knowledged accor- dyng to the Statute of the Staple.

Obligation
taken to the
Queenes vse
shalbe of the
same nature
as a Statute or
Recognizance

The Court of Swanimote.

An. 1. E. 3.
cap. 8.

The officers
that shalbe at
the Swanimote

All other per-
sons ought to
appeare at the
Swanimote.

It is to be understoode, that the Court of Swanimote is a Court of the Forest which should be holden three times in the yeare, as is aforesaid, for to enquire of Vert and Venison & other trespasses that are done within the Forest. And there all the trespasses shalbe enquired of and presented. And that is proved by the Statute made in the first yeare of King Edward the third, Cap. 8: Where he doth saye, Because many people be often times disinherited, hindered and undone by the chiefe Warden of the Forest, and by other ministers, contrarie to the forme of the great Charter of the Forest, and contrary to the declaration that King Edward, sonne to King Henry, in this manner and forme that followeth: That is to saie: Wee will and graunt, for vs & our heires, that of Trespasses done and made in our Forestes for Vert and Venison, that the Foresters in whose Bayliwike such trespasses shalbe done, present the same at the next Swanimote Court before the Foresters, Verderors, Regardors, Agistors, & other ministers of the same Forest: and that upon such presentments before them, by the othes aswell of the Knights, as of other wise and lawfull men, and not suspected of the parties, and most neare where such offences or trespasses shalbe done, and where the truth may be best knowen: And such presentments so inquired of, shalbe presented by the common accors and assent of the ministers aforesaid, solemnely ingrossed and sealed with their seales. And if any Indictment be made in any other manner, it shalbe holden from henceforth for nought, &c. So that it is provided by the said Statute, that all the Officers and other suiters ought at this tyme to come to the Swanimote: That is to saie, the free tenants of the Forest ought to come thither for to make an inquest of inquite before the Stewarde of the same Court. There is also a Statute made in the seventh yeare of King Richard the second, which sayeth, that at the greuous com-
plaints

The Lawes of the Forest.

III

plaint which is now made of the ministers of the Forest: It is agreed and accorded, that no maner of Turpe be from henceforth compelled by any minister of the Forest, nor other person whatsoever, to traueill from place to place, out of the place where the charg was giuen them against their wil, neither by malice, threatning, nor otherwise, by which wordes it is to be noted, there must be freeholders at the Swanimote, to be of the inquest of Iuries, according as is aforesaid: and so all other officers in like manner.

It appeareth by this Statute that Freeholders are to be at the Swanimote.

And furthermore it is to be vnderstood, that what is eue established by man, it is of no continuance, vnlesse the same be put in use with daily supply. What soener is ordained by wisemen for a law, the same by order is to be put in due execution: I meane this as touching the Lawes of the Forest: For as our forefathers made lawes, so they did ordain a Court comslyp called a Swanimote, intending thereby to punish such as committed any offence against the Forest Lawes, so that thereby the Lawe which was made might haue continuance.

And it is to be vnderstood, that a Swanimot is properly a Court of freeholders within the Forest, for this word Mote in Norman die speech, is called properly a Courte, as Halmote are the Courtes Baron, Folkmote are the Courtes holden in London, wherein all the Folke and people of the Citie did complaine vpon the Maior & the Aldermen, for mysgouernement within the Citie: & Portmote is euer in a Hauen towne, for it is the Courte of the Porte or Hauen. And this word Swaine, in the Saxons speech is a Bookeland man, which at this day is taken for a Charterer or a freeholder: & so the Swanimote is in English, a Courte within the Forest, wherunto all the freeholders do owe sure & seruice, & therefore called a Swanimote. The chiefe Iudges in this Courte are the Verderors, & the places that are here in this Courte are called placita Forestæ, the places of the forest. Also the chiefe Warden of the forest doth sometime vse to sit at this Courte, or his Lieutenant, as it doth appeare by Master Hesker, in his learned Reading vpon the Statute of Carta de Foresta: and yet it should seeme that the chiefe Warden of the forest is no iudiciall officer appoynted

What the word swanimote doth signifie;

Here you may see, that from the signification of the worde Swanimote, it is a court of freeholders.

Hesker in his reading, fo. 34.

quantumlibet
ad. i. d. 1. 10

The chiefe
Warden of the
Forest, nor his
Lieutenant are
no Indiciall
officers,

appointed to sit there: for if he were, he could not appoint his deputy to sit there for him: for a iudicial place cannot be executed by a deputy, as it doth appeare by divers presidents & cases at the comon Law: & for that cause the Lord their Justice of the forestes being a most especial iudicial place, it was enacted by the Statute of 32. H. 8. Cap. 35. that they might make Deputies to execute their offices in writing under their handes, and sealed with the Seales of their Offices, and not otherwise: so that they could not make any such Deputies or Lieutenants to execute their Offices befoze the making of the same Statute: But there is no such authoritie given by any Act of Parliament to the chiefe Warden of the Forest, to make any Lieutenant to execute his Office: And therefore, seeing that he doeth and may make a Lieutenant under him, his place cannot be a iudicial place: and also it appereth by the Statute of An. 1. E. 3. caput 8. which doth begin thus:

The Statute of
An. 1. E. 3. ca. 8

Item, whereas divers people bee disinherited, ransomed, and undone by the chiefe Wardens of the Forest on this side Trent, and beyond &c. And afterwarde it doth followe in these wordes: It is agreed and ordained, that from hence forth no man shall be taken or imprisoned for Vert or Venison, unless he be taken with the manner, or else that he be indicted after the forme befoze specified: and then the chiefe Warden of the forest, shall let him to mainpryse untill the Eyre of the forest, without any thing taking for his deliverance: & if the said Warden will not so do, he shall have a writ out of the Chancery, which hath ben in old time ordained for such persons indicted to be at mainpryse untill the Eyre. And if such Warden after he hath received the writ, do not incontinently deliver such persons indicted without taking any thing: Then the plaintiffe shall have a writ out of the Chancery to the Shiris, to attach the said Warden to bee befoze the King at a certaine day to answer wherefoze he hath not replenied him that is so taken: and the Shiris, the Clerdons being called to him, shall deliver him that is so taken by good mainpryse in the presence of the Clerdons, and shall deliver the names of the mainpernoys to the same Clerdons, to answer in the

A writ of
Homine Replegiando.

The Recital
of the Statute
of 1. E. 3. ca. 8.

the Eyre of the Justices: and if the chiefe Warden be thereof arrested, the plaintife shall recouer his treble damages, & the said Warden to be committed to Prison and ransomed at the Kinges will. And from hence forth it shalbe witten to them, as to the chiefe Wardens of the Focest, because they may not be Justices, nor to haue any recorde: And so note by that Statute, that the writ aforesaide, is directed to them as if it were to the Shriue to execute the same writ: and such a writ is not directed to a iudiciall officer. Also the same Statute doth saie, that the names of the mainpernors shalbe deliuered to the Verderors, as if he should saie, because they be (as Justices:) And that from hence forth it shall be witten to the saide Wardens, as to the chiefe Wardens of the Focest, because sayeth the Statute they (meaning the same Wardens) may not be Justices, nor haue any recorde. Then Ergo the chiefe Warden of the Focest, nor his Lieutenant are no iudiciall officers, and then I see not by what authoritie they should sit at the Swanimote.

And note that there are two Lieutenants most commonly in every Focest, v^z. the Lieutenant of the Lord Justice in Eyre of the Focest, and the Lieutenant of the chiefe Warden of the Focest. And it appeareth very plainly by the Statute of Ordinatio Forestæ cap. 1. that the Focesters, Verderors, Regardors and all other ministers of the Focest, are bounde to attend at every Swanimote, or else the indictmentes and presentmentes there taken are utterly void. It is here to be noted, what is ment by these wordes in the said Statute of Ordinatio Forestæ cap. 1. ac alij earundem forestar ministri: for other ministers of the Focest are Stewardest of the Swanimote, who ought to be men very well learned, and especially in the Lawes of the Focest. And to proue that there ought to be a Steward at every Swanimote, it appeareth by the assises and customes of the Focest, where it is said, quod homo attachiatus pro ramis cesis placitū illud pertinet ad Swanimotum coram Senescallo &c. There are also other officers of the Focest mentioned in the great Charter of the Focest Cap. 16, and Cap. 17. that is to saie, Constabularij, Castellani et

2. Lieutenants in the Forest.

Ordinatio Forestæ.

These officers are bound to attend at the Swanimote.

Assisa & consuetudines Forestarum, c. 20.

An. 7. R. 2. c. 3

The power of
the Swanimote

Balliui et Bedelli &c. & if it do chaunce any of the said officers or ministers to be sicke, so that he or they cannot be at the Swanimote: then the Justice of the forest or his deputie shal incontinently place others in their places for them: et hoc est secundum ordinationem Forestarum Anno 34. E. 1. caput 2. And it is ordained in the assises of the Forest Anno 7. R. 2. caput 3. that the inquest shal not be compelled to trauele to any other place to giue their verdict, but where they receiued their charge: and note that the court of Swanimote hath power to inquire of all those matters that dor hereafter appere in the charge of the Swanimote, and to take presentmentes of all such matters, but no iudgement shalbe giuen there, nor execution awarded, for that is reserued to the Iudices of the Forest only.

Ordinatio Forestarum ca. 1.

All the freeholders that dwell within the Forest do owe suite to this court.

Assises & Purprestures are to be enquired of Conuetudines. ca. 4.

Purprestures that be arented Videlicet, the case of my Lord Dyer. fo.

At this Court of the Swanimote, all the presentmentes of the Foresters for any offence in the forest, either in Vert or Venison, are there deliuered to the Iurie, which are sworne for that purpose to inquire the trueth of those matters: and if the Iurie do find that those presentmentes that the Foresters haue presented be trewe, then the offender against whome they were presented, doth stand convicted thereof in Law: and then the entræ thereof, is presentatum est per Forestarios et duodecem Iuratores et conuictum per viridarios. And this much concerning the Courte of Swanimote, and hereafter doth followe the charge of the same.

The charge of the Courte of Swanimote for the Forest.

IN primis, you shall inquire if all those that owe suite to this Courte of Swanimote be there or no, and those which be not, shall you present their names.

2 Item, if there be any assises or purprestures within the Forest newly made, more then hath ben made by the kings graunte or any of his Progenitours, in what place the same is, and by what authoritie, by whome, and what harme it is to the King, except it be arrented.

3 Item, if there be any that maketh any great closes or small closes

The Lawes of the Forest.

175

closes, which are annexed to the borders of the Forest: and inlargeth his owne ground with setting out of his hedges and ditches, and so straiteneth the Forest.

This is Pasture.

4 Item, if any man haue raised, digged by, or carried away, any land, Stone or stake that was set or laid for any marke or bound of the Forest, ye shal doe vs to wete of their names, the daie and place when the same was done.

This is Trespass & Purpresture: For Omnes metæ Forestæ sunt integro domino Regi.

5 Item, if any man maketh any Pines, Clay-pittes, or turueth for Iron without licence in any place within the Forest.

6 Item, if any man leuureth any Hille within the Forest, without the Kinges licence, you shall inquire what hurt the same is to the Forest, and who it is that doth so, and present the same.

7 Item, if any haue made any Stine-house or Shæpe-house or any other house or Cote within the landes of the Forest without licence, you shall present it.

8 Item, if there be moe Foresters or Walkers within the Forest, then haue bene of olt tyme accustomed, in oppressing of the Kinges people, or ouercharging of the Forest, who hath made them, and by what authoritie he hath done it.

9 Item, if there be any minister of the Forest, that maketh any oppressions or extorcons of the Kinges people, by color that he is an officer of the Forest, and for takinge excessive chyminage: if any such be, you shall present them.

10 Item, if any man come into the Forest in fawning tyme, with Shæpe or any other Cattell to where they haue common, and is not Shworne to be true to the Kinges game.

11 Item, if there be any man that doth burne any Heathe or Fearn or Ling within the Forest, or toynes next a dispyning to the same Forest, you shall present the same.

12 Item, touching the Kinges Werr, that is to saie, Woods, you shall inquire if any haue come into this Forest, and haue felled any great Okes, and carried them away by night or by daye, being the Kinges Wood, and the price of the Wyke, Carte, and Trees so carried, and by what authoritie.

Verte.

13 Item, of small Wood, or under Wood, Sparres, black-

choyne, Matting roddees and such like, if any cut or sell them, and carrie them away, you shall present his name and the price of the Wood so taken.

12 Item, if the Wardens of the Forest or their Lieutenants or any forester buyeth any waste bowes or great Dikes in Winter time, more for his owne advantage for the sale, than for the sustenance of the Kings Deere, ye shal doo vs to wete thereof, and the names, and the price of the Wood.

15 Item, if any man do take out of the hollow trees any Honey, Wax, or Swarmes of Bees within the forest, ye shal doo vs to wete.

16 Item, if any man take any Hawks egges, Herrons egges, Felantes egges, or Partridge egges out of their neastes being within the forest, you doo vs to wete.

17 Item, if any man haue any warrant of the Loyde Chancelor of England, Loyde Bishop Seale, or of the kings Iustices of the forest, to haue certayne Trees: if he haue taken more then his warrant will serue for, or if he haue taken the said trees without view of the Verderors, or of the foresters, you shal doo vs to wite.

18 Item, if any warrant were graunted for any Dikes, or other timber to be imployed to the kings vse, or on his workes: if any man haue bestowed them to their owne peculiar vse, or otherwise conuerted them, or solde them, you shal present the price thereof, and who he is that hath don so.

19 Item, if any commission were directed to any Wood sellers for the sale of the great Wooddes and vnder Wooddes, or either of them: if the same Wood-seller haue made the hogges and sellings of the Copples, for sauing the kings Couers.

20 Also, if any of the saide Wood sellers haue concealed any thing of the kings profite vpon their accounts, or if they haue enclosed any Poyes, great plaines, or waste groundes, to the hurt of the commoners, or put any other cattell into the Coppies and spring of Wood then is allowed by the Statute, you shal present the same.

21 Item, in Pastonage time, if there be any that hath Wooddes annexed

annexed to the Kings Forest, and maketh percourse out of his stowe I doob with Swine and Pigges into the Forest, in hinderance of the Kinges Watnage, of all such you shall do as to were, both of the number and of the price of them, for they are forfeitable to the King.

22 Item, if any man haue any Swine comming into the Forest in Watnage time, bringing, wousing, deluing, or turning by the kings soyle, which is cause of exclamation of the kings Dære, ye shall do as to were of the number, and of the price of them, for they are forfeitable to the king.

23 Item, if there be any man that hath any Patent by the graunt of any king, & confirmed, or any specialtie allowed to him before any Justice in Eyre, for a certain number of Swine to runne in Watnagerime in the kings Forest, if he haue more then is allowed in his Patent, ye shall do as to were, of the number and price, for they are forfeitable to the king.

24 Item, if there be any Swinne not ringed, or Coates, that haue bene attachede to the last Sessions within the Forest, ye shall present the number and price of them, for they are forfeitable by the first attachment to the King, for that they bee not beastes Commonable.

25 Item, if there be any Sheepe running in the Forest, and hath bene attachede in times subseque the last Sessions, ye shall present the number and price, for they are likewise forfeitable to the King.

26 Item, you shall inquire if there be any that hath hunted the kings Dære within seven miles about the Forest at any time within a yeare next after the kings hunting, whether it be before it was so hunted, for these causes. First, for that the king before his hunting, or his Commissioners kill the Dære, his grace should haue a sight of the Dære where they lye, at rest in their haire, and after his hunting, because the Dære beinge driven out by the strength of houndes, and noise of men and houndes, may afterwarde resort againe to their haire in the Forest, if they be any such, you shall do as to were.

Venison.
Puraley.
Canutus,
Canon, 1.

Puraley.

Purakey.

27 Item, if any man haue any great parke, or great close within three miles of the f. y. dell, that haue any Chatteries or great gappes, called Deere toyes, to receiue Deere into them when they be in chaling, and when they are in them they cannot get out againe.

28 Item, if any man haue flaine any of the kings Deere within the f. y. dell without warrant, you shall present his name, and what Deere was so flaine, and within whose walke the same was done.

29 Item, if any man had any Warrant for to haue any Deere, yet he haue taken more Deere than is mentioned in his Warrant: how many they were, what Deere they were, and of what season: for a Bucke in Winter, is out of season, and so is a Doe in Sommer: and whether he toke the Deere comprehended in the Warrant without sight of the Aldercocks and Foresters, yea, or no.

30 Item, if any man keepe any Hounds or Dogges, or ryding or going through the Forest, as the h. y. wayes do lye, and taketh not by his dogges but suffer his dogges to chafe & kill the kings Deere: whether the death of such Deere be within the Forest or without, you shall present the name of the man, and the Deere so killed.

31 Item, if any man take any Deere with Nettes, cordes, ropes, Double Waterholles, Buckholles, or other Engins, and who doth keepe any such Engynes within the Forest, or neede to it, yea shall present their names.

32 Item, if any man chase, course, or set any net, or engine though he kill not, you shall present his name and fact, and where the same was done and when.

33 Item, if any man come into the Forest, and there flay any Fore, Hare, Cony, or any other beaste or fowle in Warrant without authoritie, the same is to be punished for the death of the kings fee chase, and therefore you shall do so to wee.

34 Item, if there are any manner of rentes or seruices, way or hony, due to the king or any of his officers of this Forest, that are

none

now behind or withprawn : by whome, how long, what it is, & what dammage it is to the King, You shall also do vs to wite.

35 Item, if there be any man that dwelleth about the borders of the Forest, which keepeth any strange Greyhound, and wap-
tereth when the Kings Deare are out of the Forest, and sofelecteth the same Deare, so that they may not retorne home againe, and so by that meanes are slayne or hurt : ye shall present who he is, and who oweth the Greyhoundes, that he may be punished for the same accordingly.

36 Item, if there be any person within the iurisdiction of this Court that keepeth any hounds or Greyhoundes, that may not dispend p.s. by the yeare of freehold, ouer and aboue all charges, according to the Statute, which hunteth in the Purleup, as of his owne authoritie, you shall present his name, the tyme, and what dammage he did to the King in diminishing the game at such hunting.

37 Item, if any Purleup hunter, hunt oftener than thysse in a Puraley.
weeke, or before the Sunne rising, or after the Sunne setting, or with other than his owne menyall seruants, or otherwise on
Sundayes, or in the fence Moneth, which is the tyme of Faw-
ning, and that is, accounted xv. dayes before Midsummer, and xv.
dayes after Midsummer.

The defence
moneth is xv.
dayes before
Midsummer
and xv. after,

38 Item, if any Purleup hunter, at any tyme, sofelect all the kings
Deare, whether it be with dead Hap, or with quicke, for they
ought to let runne at the taple of the Deare, otherwise it is fina-
ble, as if he did hunt in the forest.

Puraley.

39 Item, if any person haue made any Coppies or closure of
Purleup, in strapping of the kings Deere from the Forest, to the
hurte of the owners, or do piene the beasts of any commoner out
of theshire, and not put them in open pounce in the Country,
whether it be in Pawanage tyme or not, you shall do vs to wite.

Puraley.

40 Item, if any man gather any Acoines or Crabbes in the
Forest, and do make sale of them at marketes or else where, to the
hurte of the commoners, and the kings beastes of the Forest, ye
shall doe vs to wite.

Puraley.

41 Item, if any man haue stopped or trayted any Church-way, mylle-way, or other waies in the Forest of Wurlen, to the common nuisance of the kinges free people, and to the hurt of his Deere, you shall doe vs to weete thereof.

Puraley.

42 Item, if any man haue any Dilles within the forest, which are not repaired as they ought to be, you shall do vs to weete.

43 Item, you shall present all the Waifes and Strates which hath bene and happened since the last Courte within the forest.

44 Item, if any man take any agistment in the forest of pur-
ken, to the hurt of the kinges Deere and the Commoners there:
you shall do vs to weete.

45 Item, if there be any man that doth surcharge the com-
mon with any manner of Cattell, or otherwise more then the
law doth suffer, according to the quantitie of his tenure or graunt,
you shall do vs to weete: and of these and al other that you do know
to be any offence, either in Vert or Venison, or against the Lawes
of the forest, you shall inquire thereof and present the same.

And there are also many other things to be inquired of, which
cannot be done without inquest, which must be by the Iurers to
the courte, and when they are there presented, they shalbe sealed
with the seales of the ministers aforesaid, and sent before the Ju-
stices of the forest to the Sessions. And if the presentments be
not certified in this order they are void, as is aforesaid.

And thus endeth the Charge.

THE

The high Court of the Lord chiefe

Justice in Eyre of the Forrestes, commonly called
the Justice Seate of the Forrest.

FOR as much as the Court of Attachements, called the fourthe day Court, or Wood-mote, and also the Court of Swanmote, have already bene spoken of briefly, and also the proceeding in those two Courts against such as are offenders in the Forrest in Vert or Venison: And for that to appeare that by the Lawes of the Forrest, all the proceedings of those Courts for the greatest offences done in the Forrest, are as nothing, vntill such time as they are presented to the Lord Justice in Eyre of the Forrest at the Justice Seate, because, that although the offences and trespasses of offenders be presented in the said Court of Attachements: And that afterwarde, vpon the same presentments, the offenders be indicted at the Court of Swanmote, according to the Statute of Ann. 1. E. 3. cap. 8. and according to the Statute called Ordinatio forestarum: Yet cannot either of the said Courts of Attachements or Swanmote giue any iudgement of those offences, or assesse any fines for the same: for that both appertaine onely vnto the Lord Justice in Eyre of the Forrest, to doe at his will and pleasure at the said Court of Justice Seate. And therefore all those Rolles of all such offences as haue passed the Court of Swanmote, and the Court of Attachements, are to be sealed vp with the Seales of the said Verderors: and they are to keepe the same Rolles vntill the Justice Seate, and then they are to present the same vnto the Lord Justice in Eyre of the Forrest. And if the said Verderors do not there appeare to bring in their Rolles the first day of the same Justice Seate: then there shall forthwith go out a writte to the Shireffe to seale the Rolles of the said Verderors into the Kings hands, vntill such time as they shall come before the Lord Justice in Eyre and bring in their Rolles, as it shall appeare hereafter by sundrie sundrie Presidents of the

Aflises of the Forrest. And it is to be noted that before the lord
 Justice in Eyre of the Forrest shal keepe this high Court of Ju-
 stice Seate, when he hath receiued the Kings Commission for
 that purpose, then the Lord Justice in Eyre doeth make out his
 warrant or precepts to the Shire of the same Shire within the
 which the Forrest is where the Justice Seate shalbe holden. The
 Tenor of which writte shalbe shewed hereafter. The which com-
 manding the same Shire to sommon by sufficient sommons all
 the Archbishops, Bishops, Earles, Barons, and Knights, and
 their free tenants which haue any lands or tenements within the
 boundes of the Forrest of our Soueraigne Lord the King called
 the Forrest of Windsor, and also of every towne and village with-
 in the boundes of the same Forrest, to sommon four men and the
 Reue, and also to sommon of every ancient Borough within the
 boundes of the same Forrest xii. good and lawfull men, and also all
 other free holders that ought to appeare before the Justice in Eyre
 of the Forrest, and that they shalbe before the same Lord Justice in
 Eyre at Windsor on a Monday next after the Feast of S. Peter
 the Apostol, or at such day as the Lord Justice in Eyre shal ap-
 point in the same warrant for to sit and holde pleas of the Forrest.
 And furthermore, to command the same Shire, that through-
 out all the whole libertie of the same Shire, as well in all the an-
 cient Boroughes and other townes, as also in all Fairies, Mar-
 kets, and other publicke places, that he shal openly proclaiming
 cawle to be proclaimed, that of manner of persons what soeuer they
 be, which claime to haue by the Charter or Charters of our So-
 ueraigne Lord the King, or of any of his auncestours, or progeni-
 tours, or by any other wayes or meantes, any liberties or fran-
 chises, or free customs of the Forrest within the said Forrest of
 Windsor, that they shalbe before the Lord Justice in Eyre in his
 depute, at the day and place mentioned in the same Warrant, to
 shewe what liberties they do claime to haue in the same Forrest.
 And that all manner of persons that are attached for the Forest and
 Tension within the Forrest aforesaid, after he hath piers of the For-
 rest holden before the Lord Justice in Eyre, and also that all

pledges

pledges and Gaucaptors which haue day by their Gaucap-
tion before the Iustice of the Forrest of our Soueraigne Lord the
King at his next coming into the Forrest to holde his Justice
Seate, that they be before the said Lord Justice in Eyre at such
aday as is mentioned in the said Statute in the same Shire,
readie to fulfil and do those things which by the Lawes of the Fo-
rest they ought. And that the same Shire with his Bailifes be
there also to certifie the said Lord Justice in Eyre of the premis-
ses, and also to execute the office of a Shire in these and such
like matters concerning the same. And it is to be noted, that
the Lord Justice in Eyre must alwayes by the receipt as afore-
saide, give day by the same precept of Summons, to each all men
that are to be summoned by it, my have fourtie dayes warning
at the least of the same Justice Seate by the Shires Proclama-
tion. And when the Lord Justice in Eyre is comed the place ap-
pointed according to the Proclamation, and that he be in his
iudiciall Seate, and those that are in commission with him, then
after the Commission is read, and the officers of the Forrest called,
then the freeholders of the same Forrest shalbe called also, and all
others that were warned to appeare there, at that day, and then
out of those freeholders and others, shere to be chosen a most sub-
stantiall Jury of xxiij. or xx. or xviij. of the discreetest men. And
they shalbe sworn that they shall truly inquire, and true pre-
sentment make, of all such matters as shalbe giuen them in charge.
And then, to the intent that the Kings most excellent Maestie
may the better be certified what offences haue bene done in the
Forrest in any degree since the last Session of the Parliament, all
both those offenders haue here presented, and charged by
the officers of the Forrest to the King, doth wish to that he
bestoweth that the King may likewise know what officers of the
forrest haue wel & dutifully discharged their office as they ought to
do. The Lord Justice in Eyre, or some man learned in the Lawes
of the Forrest by his appointment, shal give unto the same Jury
charge in which charge in effect both they shal be bound to do, and
keep of the Lawes of the Forrest, which are as followeth, viz.

The Charge of the Lord Iustice in Eyre of the Forest, that he doth give at the Iustice Seate: as followeth.

First, he shall inquire of all attachments made since the last Sessions, as well of Clerg as of Laymen: and aswell in the Demesne Woodes of our Soueraigne Ladie the Quene: as in any other place within the boundes of the Forest: & by whome such attachments were made: and how they were made: and whether there hath bin any Hunting within the boundes aforesaid: and if any such hath bin, then by what person it hath bin, and who hath bene consenting or agreeing to the same: that is to saye, the Foresters or any other: and what they have bene that have hunted with warrant, & who without, and how often, when, and where the same was.

Item, he shall also inquire where there hath bin any attachment made by night: and who they were that hath bene so attached: and by whome they were attached.

Item, in like manner you shall inquire what attachments hath bin made in fence time, aswell of those persons that have offended: as of others suspected: and of all others found in the Forest sleeping and going after a suspected man.

Item, you shall further inquire whether there bin any arrests, waikes, or purprestures newly made since the last Sessions or before, or not presented: other then such as hath bene made by grant or license of the Quene or Privie: or any of her progenies: and within what tyme the same hath bene: or is to be made: or past: or lay: in the Kings demesne landes, or in the landes of any other: and who hath so made them: or any of thes: and wherby what bolde the same: and how they be tolerated: and how much the same doth contayne by the number of Acres.

Item, you shall inquire whether be any person or persons that hath or have inclosed any quantite of ground wherby the same be inclosed: or howing upon the Forest, and whether they be his or their own ground: in setting out of their poultry or hogs: or

dicche

ditch or ditches, and so streighteneth the Queenes Forrest, yee shall present his or their names, and the quantitie of the grounde so enlarged.

6. Ye shall further inquire if any person or persons hath or have raised up or taken away any marke or bounde of the Forrest if any hath so done, ye shall present his or their name or names, and the daie and time when it was done.

7. Yee shall further inquire of the bandes and limites of all Bailiwikes within the Forrest, and how and after what manner they be bounded: and how euerie of the laide Bailiwes and Fosters haue hisse or herpe and walke: and what they and euerie of them do claime to appertaine to his or their office or offices: and what they do take by reason thereof, and by what warrant the same is done.

8. Item, if any person or persons hath or have made any Wyne Delfe or Coale, Stone, Claye, Marble, Turke, Iron, or any other Wyne, you shall present his or their name or names, and the place where the same is done.

9. Also you shall inquire whether any Tanner or White tanner doth dwell within the precinct of the Forrest, and do vse their facultie there yea or no.

10. If any person or persons haue newly builded or made any Wyne within the Forrest, since the last Sessions or before, and not presented, you shall present his or their name or names.

11. Item, if any Church, town or house since the last Sessions or before and not presented, hath beene erected and builded within the boundes of the Forrest, by whome the same hath beene so builded, and how long it is sit hence: and how many heades be pastured within the Forrest, by reason of the same, to the prejudice, hurte and damage of the laide Forrest.

12. Item, if any man hath builded any Steyne house, or stone house, or thepe house, or any other house or inclosure within the boundes of the Forrest, to the noysure of the Forrest, ye shall inquire by whom it was don, and how much the ground is, and what do containe the: and how much pasture by your estimation for the Wyne of the Queenes is thereby hurt, damaged or impaired by the heades which

goe in or out, to or from the said house or houses.

Item, if all the inhabitants within the Forest, as well clarkes holding lay fee, as others, being of the age of xii. yeares and about, be sworn to be true to the Forest or not; and of their appearance and defaults made there at this present time.

Item, if any of the Foresters, keepers or other officers, which haue walkes, and to do in the said Forest by reason of their office, be yet unsworn; and if any such be, you shall do vs to wete what is his name or names; & whether he or they be present or absent.

Item, you shall inquire what Parkes be within the limits & boundes of the said Forest or neare vnto the same, and how they be inclosed; and what salters and leapers they haue in burie of the said Forest; or what common trespassers be in any of the Queenes Parkes within this Shire, as with Bowes and Akenes, or any other engine: and whether any ground be tilled within the Queenes Parkes without licence yea or no; if there be, then by whome the same is tilled.

Item, you shall inquire what wayued goods and stales hath bene within the said Forest since the last Session or before not present; and how the King is answered for them: or what other person or persons claimeth or take them by what title or warrants the same is done.

Item, you shall inquire if any person or persons, hath or haue taken any Swaine of Bees; honey or Wax within the said Forest: how many and how much, and the value, and who ought of right to haue them.

Item, you shall inquire who maketh or taketh the waste of Turberie, if any be within the said Forest; what ground is in; whether there is or ought to be answered any rent for the same or no; and to what detriment or hurt of the Forest the same is.

Also, if there hath bene any Riuer, Haven or creek newly made; to bere by Mill or, Tymber or Kendon hath bene committed a sinne by Waste, Barge or Ship; of all such offenders and their aids and conceitours, you shall do vs to wete.

Item

20. Item, you shall inquire if any officer of the forest hath made any **Scoales**, gathered any **Scheaves** of **Corne**, or done any **reception** or **oppression** by colour of their office: you shall present their names, and the same offence.

21. Also if there hath any person used to come into the forest in fence time to **steale** **Sheep**, **Swine** or other **Cattell**, being not sworn to the assise of the forest, ye shall present his name.

Driving of
cattell in the
fence month.

22. Item, you shall inquire whether the **Steward** hath kept the **Courts** of **Swainmote** three times in the yere according to the **Lawes** of the forest: and taken his presentmentes, and caused them to be affirmed by the **verdit** of **xii. indifferent men**: and also to be sealed by the **Wardens** and other officers, according to the **saide Lawes** or not. And whether the **xi. date Court** hath ben kept or no, according to the **Statute**.

23. Item, whether the **Keeper**, **Bailiffe** or **Steward**, have taken fines or amercementes of the trespassers, or of those that were indicted or suspected for **Tres** or **Contusion**: and if they w^o, of whom: how much, and what it was: and whether they have caused any person to be falsely indicted: how, and after what manner it was done.

24. Also, whether the **foresters**, **Wardens**, **Regardors** and **Agitors**, or others have conspired any trespassers indicted by **in** suspected, or made any attachments for their owne **laker**, or for **favours**, or for the cause of **fore**saide: have concealed **purprestures** or any other thing pertaining to their office: and whether they have appropriated any thing to themselves which should appertain to the **Queens Maestie**, yea or no.

25. Item, you shall inquire if any **foresters** of **see**, or other officers have taken any manner of fine, or reward, or **chimidge**, or **pollage**, or other thing to his **Ward** which hath appertained: or which by colour of their office make any collections, which are prohibited by the great **Charter** of the forest: you shall present the same.

26. Also you shall enquire, if any **forester** or **foresters** have oppressed any person or persons which do accustomedly resort unto them and hunt the **forest**. And whether the said person or persons

if they be
to be called
in.

do take and receiue of the said Foresters. And whether the saide persons be suspected for any trespass or offence done or committed within the saide Forest. And if any such be, ye shall present him and their name and names.

Item, you shall enquire, how the Foresters do behaue them selues in their severall Bailiwikes and offices: and who are profitable to the Queenes Paletie, and who not.

Item, Inquiratur, si Forestarius sit vrile domino Regi, et si non sit, de qua causa. Et si aliquid dent pro Balliuis suis, et cui, Ita quod dominus Rex perdit in aliquo.

Item, Inquiratur de Forestarijs amotis per Senescallum, vel per viridarium, ob quam causam, et qui sunt illi.

And whether there be in any of the saide Bailiwikes any more Foresters then there ought to be, and were wont to be, or do suffice and are necessarye or needefull for the safe keeping of the saide Bailwike: And whether they or any of them do surcharge their said Bailiwikes by vnder, or too often lodging of any person or persons: And which haue had their houses there by the space of thre nightes and thre dayes, in other mens houses within their Bailiwikes or without, by reason of the said Bailwike or office. And which of the said Foresters haue any lew, hurtfull, nopson or walking seruant vnder them to the charge or burthen of the countrey: And which of them haue made or leuied any newe custome or innouation concerning the Forest, to the damage of the Queenes Paletie, and the trouble and burthen of the Countrey, &c.

Bailifes which
be Foresters of
Fee.

28 You shall further diligently inquire of all Bailifes which be Foresters of fee, what warrant or specialtie they haue to holde and enjoy their said Bailiwikes. And which of them do giue or render to our soueraigne Lady the Queenes Paletie any yearly ferme or annuities for their said Bailiwikes: And how much they render for the same, And who do not, And what of right they or any of them ought to haue and take of the saide Forest to pay the saide ferme or annuities. And by what metres and bondes they do and of right ought to hold their said Bailiwikes, And what de-

meine

meine lands the Quene hath in euery of the saide Bosliwikes: and by what meates and boundes they be inuironned and set about with &c.

29 Item, you shal enquire if any Foxester of fee, or any other hath taken any reward of any Foxester, that he ought to be put, breemed, & taken within the liberty of the Forest: & after the receipte of such reward, doth remoue and displace the saide Foxester, & put a newe in his place, for a newe reward, to the great detriment and hurte of the Forest and grieve of the Countrie.

30 If any person or persons, within the limites and boundes of the Forest or without, to the hurte or prejudice of the Forest, haue newly inclosed his seuerall groundes, Woods or Pastures, or hath afforested any Wood of his owne without warrant of the Queenes Maiestie, you shall do vs to weete of his name.

31 Item, you shall inquire whether any Deare founde newly dead, or otherwise wounded in such sort that the same cannot recover his hurte: and so found and taken by the Foxesters, whether the flesh and bodie of such dead or hurt Deare hath bene giuen and bestowed to the Lazer-house or Spittell-house next adioyning, if any such there be: and if there be no such Lazer-house nere adioyning, then whether the flesh and bones of such Deare aforesaide hath bene bestowed, giuen and imparted among the poore people nere inhabiting the Forest: and if they haue bene so well bestowed, then whether the Clergierys or Countie can certifye the same yea or no &c.

Deare found
dead or wound
ded.

32 Also of all such Deare as hath bene found and taken, as last before, whether the head and skinn of the same haue bene deliuered to the free-men of the next towne adioyning &c.

33 Item, if any Arrowe or Arrows hath bene founde within the Forest: whether due presentments hath bene made to the Clergierys thereof: to the intent that the saide Clergierys in his Roll might enter the same &c.

34 Item, if there be any Grey-houndes founde running within the saide forest, to the disturbance of the Quenes game, whether the same hath bene presented in the presentments of the Clergierys

Greyhounds.

to the intent that the same should be sent to the Quene; or to the chiefe Justice of the Forest.

35 Item, you shall inquire if all the doggs which be within the boundes of the Forest, and ought to be lawed, be wel & orderly lawed, and made profitable for the saide Forest, yea or no.

36 Item, if any man in time of Haruest haue taken in any Pasture or great dogge within the saide Forest &c to the hurt of the Deare or not.

37 Also if any person or persons to whome the Quenes Maestie or any of her progenitors, hath of late or old time graunted libertie of free chassing within the Forest: if they or any of them by means and colour thereof, haue done any preiudice to the Quenes Maestie in the saide Forest, yea or no.

38 Also if the Quenes Maestie or any of her progenitors, hath graunted libertie to hunte Vermin of chafe, that is to say, Foxes, Martines, Wild Catres, Pole-Catres and Squiriles, within the said Forest, whether they or any of them by colour thereof hath killed any of the Quenes Deare, yea or no.

39 Item, if any person haue at any time scene any trespasser in the Forest take any Deare there, and hath not leued hie and cried to take him, ye shall present his name &c.

40 Item, you shall inquire what persons there be within the boundes of the Forest or without, that doth keepe any Dogges that wil raine & kill the Deare, or kill Pares or any other beasts of chafe, or doth keepe any maner of engine to take the said Deare or other beasts, or who doth by any maner of engin take a Deare or such beasts: and who are receiuing, buying, and concealing to the same, you shall present the same.

41 Item, whether any Deare were or hath bene taken: & by what manner of persones the same hath bene taken: and whether it were by lawfull or without lawfull.

Item you shall inquire if any haue bene offenders in warrens or fish poodles within the liberties of the Forest.

42 Ye shall moreover inquire what person or persons within the boundes & liberties of the Forest, hath any Bowes, Shabtes, houndes,

hounds, or any other engins, to the end to preiudice the Queenes Maestie of her beastes of chase: and who is accustomed to enter into the said Forrest with Bowe and Shafers: you shall present the same.

43 Item, you shall inquire whether any person to whom the Queenes Maestie or any other person by reason of his office hath giuen any Deare, hath taken any other kind or more Deare then hath borne so giuen him: And what Forresters, officers or other persons haue bene ayding and assisting to the same: and whether the same were taken without sight of the Forresters and Clergoes yea or no: Also ye shall inquire who hath taken any kinde of Hawks, Fesants, Partridge or other Fowle of Warren within the said Forrest contrarie to the Lawes of the same.

Purlicu bō-
ders.

44 Item, ye shall inquire if there be any man that hath hunted the Queenes Deare within vii. miles about the Forrest, at any time within xl. daies next before the Queenes hunting, or xl. daies next after it was done for these causes: for that the King as for his hunting or his commissioners obtained to take the bierm of the game, his grace should haue the sight of his Deare where they tie at rest in their haunt: and after the hunting, because when they be driven out with strength of hounds, and noise of men and hornes, may after resorte againe to their haunte in the Forrest.

45 If any Purlew hunter, hunt disorderly to the distruction of the Queenes game in the Forrest or kill Deare, or hunt before the Sonnes or after, or with any other then with his meniall servants, or hunteth vpon the Sonndayes.

Purlicu.
Purlicu.
Purlicu.

46 Item, if any Purlew hunter at any time Forrest all the kings Deare, whether it be by dead haie or quicks hepe: for they may not Forrest but clep at the caile: and whether any Purlew hunter hath hunted in the fence Donrth or nort.

Purlicu.

47 Item, if any man commeth into the Purlew and findeth a Deare in his feeding, and goeth against the winde and so slayeth him with bow or Gray-hounde, or other Engin, or forseth him at any gap or pitch as the Deare is wont to walke, or taketh his sight, ye shall do vs to wete.

Purlicu.

48 Also if there be any person that boldeyth any long running houndes & rideth or goeth through the forest as the high waies lie, and taketh not by his said hounde or houndes with a fast knott, so that they winde the Deare and fal thereto, & dyne the Deare til he be dead, be it within the forest or without, do vs to weete of the persons names and dwelling places of the Deare so killed &c.

49 Item, if any man taketh any Deare with nettes, cordes, roapes, double paternoster, or other engine, ye shal do vs to weete.

50 Item, if any man chase or course, or set any net or Engine, though he kill not &c. you shall present the same.

51 Item, if any man commeth into the Forest, and there slaieth Foxe, Hare, Conny, or any other beastes of Fowle of Warren without authoritie &c. you shall present the same.

52 Item if there be any man that dwelleth about the border of the Forest and keepeth any straunge Grey houndes, and waiteth when the kings Deare be out of the Forest, and forseth the saide Deare, so that they may not come home, but by that meanes is dead: ye shall do vs to weete who he is, and who oweth the Grey houndes, and the place where the same was doun.

53 If there be any man that hath slaine any Deare of the Quenes within the Forest: of his name, and what Deare was so slaine, you shall do vs to weete.

54 Item, if there be any person that kepeth any houndes or grey houndes, and if he be Spirituall and may not dispend .x.li. by the yeare: and if he be Laie & may not dispend .x.li. by the yeare of free holde ouer all charges, and hunteth in the Purlew of his own authoritie: do vs to weete of his name & hunting, for otherwise he ought not to hunte.

55 You shall in like manner inquire whether the Foresters or any other officers haue agisted any rattel in the Quenes demesnes Hayes and several Woods wherein no person hath common: And whether they haue Potwen any of the Quenes lands, & taken the grasse and hay thereof to their owne vse and sold the same to the prejudice of the Quenes Deare: and how much the same grasse and Hay was worth, or what they receiued for the same.

56 Also you shall enquire, if all Agisters of our Soueraigne Ladie the Queene haue truly & faithfully agisted her highnes demesne woods: and truly and faithfully leuied and receiued the pawnsage: and fully answered and accounted for the same. And if they haue not fully accounted for the same, as is afore saide: then how much the summe is that doeth still remaine in their hands.

57 Item, you shall enquire of such as hath any Woodes adioynning to the Forest, & in Pawnsage time hath put his Swine into his owne Woodes, and maketh gappes and procureth his Swine out of his Wood into the Forest in hindring of the Queenes Pawnsage: Of all such Swine, you shall do vs to wite, of the number and value of them, & also of such offenders therein.

58 Item, if any man hath any Swine comming into the Forest in Pawnsage time, or any other time in the yeare butting, Mooting, deluing or turning by the Queenes loyle which is cause of erisiation and making leane of the Queenes Deare, You shall do vs to wite of the number and price of them, and who it is that doth so.

Swine vnringed.
Vide titulo
Common of
pasture.

59 Also, if there be any man that hath any Patent by graunt of any King or Queene, or any specialtie, and is confirmed to him before any Justice in Eyre for a certeine number of Swine in the Queenes Forest: if he hath more than his specialtie or Patent allowed doth make mention of, do vs to wite, and the number & price of them, and the offender herein.

60 Item, you shall enquire, if there hath beene any Stwyne not ringed, or Goates, that hath beene attached since the last Session within the Forest: of the number and price of them, you shall do vs to wite: & for they be forfeitable by the first Attachment, for they are no beasts of common. Also, if there hath any Sheepe come within the Forest or within the Covert, and haue beene attached thre times since the last Session, of the number and price of them, ye shall do vs to wite, &c.

Swyne not
ringed.

Sheepe.

61 Item, you shall enquire of all strangers that haue had Hore, Pares, beasts, or other cattel in the forest by which the pasture of

the Kings Deare hath bene surcharged, or overlappd, to the hurt of the same Deare: and to the noyante of them that haue common in the same Forest; You shall present their names, &c.

Stone Horse.

Drift daies of the Forest.

A uno 33 H. 8 cap. 5.

Note that the dayes of the drift is appointed by the Statute.

62 And you shall enquire, if there be any person or persons that putterh any Stone horse or horses upon the Forest to be fed, or commoned within the Forest, being of the age of two yeares, which are not of the stature of xij. handfusses high by the Standard. Or whether there be any Hares, Rabbits, or Fotes, which be not like to be able to beare soales of reasonable stature, pasturing within the Forest. Whether the Weddowes and Chymingmen of euery of the townships within the said Forest at euery of the drift dayes, according to the Statute, hath duly executed the same Statute.

63 Also, ye shall inquire whether any officer of the Forest hath taken any fines for the Agisting of strange cattels within the said Forest to the hinderance of the pasture for the Queenes Majesties wilde Beastes, and to such as haue common in the same. And what, and how much the pasture of the saide Deare hath bin hindered thereby, &c.

Destroyers of any Couert.

64 In like manner ye shall enquire, if any man hath spoyled or destroyed any Bush or ferne, or any other couert or defence in such place or places where the Queenes Deare hath or both commonly use or haue, or both usually calue or lawne.

65 And also, whether any person to whome the Queene hath graunted Chouers for his owne onely use of such ferne and Bush, or other Chouers, whether they haue by colour thereof given or solde any of the saide ferne or Bush, or Chouers to others. And who hath had any such warrant for the taking of any such Chouers, and what warrant. And how much the Forest is thereby prouoked and hurt, and of his or their name or names that hath so done, you shall do vs to wete.

Surcharging the Common.

67 Item, whether there hath any person or persons inhabiting within the Forestes, surcharged the pasture & meadows within the same: and how the same hath bene surcharged: and to what losse and hurt the same hath bene, you shall do vs to wete.

And

69. Also ye shall enquire, if any person or persons hath or haue come into the Forest and cut downe any small wood or Underwood, as Sparres, Biers, Thornes, or walking roads, and carried the same away unattached, yee shall do vs to wite of his name and of the price, &c.

Browfewood.

72. Item, if any man haue any warrant to haue certein trees: if he hath taken more than his warrant: or if he hath taken the saide trees without view of the Clergys or of officers, ye shal do vs to waite, &c.

73. Item, if any man were graunted for any thing to the
Queenes hie, if any man take them to his owne hie, or other wise
bestow them or sell them, of the vs. se. yee shall do as to meete &c.

74 If any commissions were directed to any Whollseller for a certaine number of great Wholl or under-wholl, or both, if the Whollselliers have well made their hedges of the copies for the saving of the Queenes concert. And if they have concealed any of the plices on their accomplice that the Queene ought to have. And if they have enclosed any Whollers, great plaines, or mottes, to the hurt of the commoners, or put in cattell to the hurt of the tynges, wee shall do vs to wrete.

75 Also what Oaks or other wood the said Foresters have
given,

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giuen, sold, or taken, or vndermyned, or otherwise impaired, to which the officers hath consented, or otherwise, &c. Le quantitie et le value de ciel boisse, &c.

76 Ye shall further enquire who hath made any spoyle or waste in the Forest of Werr in the Queenes demesne Woods: And also in the woods of other persons within the saide Forest. And what, and how much euerie of the saide Foresters hath giuen, sold, or hath suffered to be giuen, or hath taken to their own proper vse of the woods within their Bailiwikes. And if for the fauour of any maner of person (that is to saye) of Noble men or meane men, the saide officers hath suffered them, or any of them to make spoyle or waste of their woods within the saide Forest: what, and how much spoyle it is. And if they or any of them by meanes thereof haue taken any thing of them: what and how much it is, &c.

Assantes.

77 Further, ye shall enquire how much besture and couering all and singular woods and shadowing of the same now being asserted were worth before they were so asserted, as well of the Queenes demesnes, as of other mens groundes: and who hath receiued the profits thereof: and how much the Coyne is worth of all and singular the saide asserts which be nowe lowen, &c.

78 If any person or persons doth walke in the Forest out of the Queenes high way with Bowe and Arrowes, other than the Keepers or officers appertaining to the Forest, contrarie to the Assise of the same: pee shall present his or their name or names.

79 Further, ye shall enquire, if the Forester or Foresters of the saide Forest, hath and haue each euery morning walked within his walke and limits, and so diligently vsed their duties at other times of the day, looking to the Queenes Deere and other beastes of chase, in watching and harkening what offenders shall come into the saide Forest, yea or no.

80 If any man haue stopped or freighten any Church-way, Milne-way, or other wayes within the Forest and Parlew: you shall present his name.

Acornes and
Crabbes.

81 If any person or persons gather any Acornes, Crabbes,

or

or any other Poast, and maketh sale of them in the Parket or else where to the hurt of the Quenes Deere and commoners there, you shall present the same.

82. Item, if any person hath made any Copie or Closure in the Parket, straightning the Quenes Deere from the Forrest, to the hurt of the commoners, or grounded the heades of any commoners out of the shire and put them in open poundes, whether it be in Pannage time or not, so as to hurt.

83. Item, whether all such Rentes, services, and other duties which ought to be paid and done to the Quene as her Forsters, have been duly and truly answered and done yea or no.

84. And finally, if there be any person or persons which hath impleaded or sued any Tale which dothe appertaine to our Soueraigne Lady the Quene: And which is within the iurisdiction of the Justice of the Forrest, and before him to be determined. Or if there be any persons that hath taken any fine or rancome for taking or killing any Hares, and for having and keeping of any improprieable dogs in the said Forrest, contrarie to the office of the same: or for any other trespass which appertaineth to the Quenes Justice to have reformation

for, you shall present the same likewise.

Thus endeth the Charge of the Lorde chiefe Justice in Eyre of the Forrest.

And thus endeth the Charge of the Lorde chiefe Justice in Eyre of the Forrest.

Purlew.

Definitio
Nominis.

Forest.

An vnperfecte
definition of
a Forest.

Westminster
Hall a Forest.

The definiti-
on of a Chafe.

Before that I doe begin to speake of wyke any thing concern-
ing a Forest: it is necessarie first of all to see what thing a
Forest is in his owne proper nature. I haue read in some ma-
ny definitions of a Forest: and yet doe any thing is a perfect defi-
nition of the same. Some doe make this definition of a Forest, v^z,
Foresta id est Terrarum Status: quia in his definitio nominis non
est, sed est a negatione of the word Forest, and not a perfect de-
finition of the nature of the very thing in deede. Other some do
say that Foresta est lura manio Terrarum: and this is no more
but a negation of the word Forest: neither: as if a man should
say, that a Forest is a safe abiding place of the wild beasts to rest in.
Some doe make this definition of a forest, v^z, a forest is a territory
of ground, inclosed and bounded with unremouable marks,
mæres and boundaries, echer knowne by matter of record, or
else by prescription. This is no perfect definition of a Forest, nei-
ther, because it doth not containe Ex genere & vera differentia for-
est: by this definition Westminster Hall may be a Forest, for that the
same is a Territory of ground, it is also inclosed & bounded with
unremouable marks, mæres and boundaries, for the same hath most
strong none walls that do inclose it round about, that are an-
cient enough to make a prescription, and yet the same is no Forest:
Although peraduenture there are some kind of persons that haue
more felicitie to hunt there after grebe game, than in any other
Forest after game. And in like maner Saint Pauls Church in
London may bee a Forest very well by the definition, for the same
is a Territory of ground, it is also inclosed and bounded with
strong walls, that are unremouable boundaries, and they are
knowne by prescription ancient enough: and yet the same is not
a Forest in deede. And if the definition of a Forest were this, v^z,
a Forest is a Territory of ground, inclosed & bounded with unre-
mouable marks, mæres & bounds, echer knowne by matter of re-
cord or else by prescription, which territory of ground is also reple-
nished with wild beasts of Venerie, in the protection of the King,
for his delight: this is a good definitiō of a Frée Chafe: & yet is this
no perfect definitiō of a Forest: for then euery Frée Chafe were
a fo-

a Forest; and there is no difference between a Forest, & a Chase by this definition: for a Free Chase is a Territory of ground: the same hath also mires and boundes, either known by matter of record, or else by prescription, to the extent that if any offence be done there, it may be known by the same boundes whether the offence were done within the Chase or out of the Chase, by the which it is known either to be an offence or no offence. And also a Free Chase is replenished with wilde beastes of Venery, for the Kings delight, as the Bucke & the Doe, & other beastes of the Forest & of Chase. Wherby then what both this definition lack of the true definition of a Forest: Marke this, that a Forest hath certain particular Lawes & officers that are only proper to a forest, & not to a Chase, & a Chase hath no such Lawes nor officers: for all offenders in a free Chase are punishable according to the common Lawes of this Realme, and not by the Lawes of the Forest. And therefore this is the very true definition of a Forest, that is to say: a Forest is a certaine Territory of ground and privileged place for wilde beastes to rest in: mired and bounded with unremovable Markes, Poles, and Boundaries, either known by matter of Record, or else by prescription: which Territory of ground is also replenished with wilde Beastes of Venery, and Clerks, and Couers for the succour of the same wilde beastes, which place hath also certaine particular and proper Lawes and officers for the preservation of Clerks and Venison: So that a Forest doth consist of these three things, that is to say: of Clerks, Venison, and of certaine particular Lawes that are only proper unto it: And a Chase doth consist of Clerks and of Venison, for the same hath no such particular Lawes that are proper to a Chase only. And thus much concerning the definition of a Forest.

A Chase hath boundes and beastes of Venery.

The difference between a Forest & a Chase.

The definition of a Forest.
A Forest doth consist of three things.

And thus much concerning the definition of a Forest.

What things doe make a Forreſt: How a Forreſt is made.
 What things be incident to a Forreſt: Who may haue
 a Forreſt: And what difference there is betweene a For-
 reſt, Chase, Parke and Warren hereafter followeth.

Charta de Fo-
 reſta.

The wordes of the Statute of Carta de Forreſta Articulo pri-
 mo, are theſe: Omnes Forreſte quæ Henricus ſiue nobis
 aforehande. Concerning this ſaid Article, it doth plainly appeare
 in a booke which doth remaine in the Exchequer, called Liber
 Rubrus: that a Forreſt is a ſafe ſhutting place of wilde beaſtes, not
 of all manner of wilde beaſtes, but only of ſuch that are belonging
 to the Wood: not in all places, but in certaine places meete for
 that purpoſe. And of this word Forreſta (o) is changed into (e)
 as who ſhould ſay Forreſta, i. e. Forreſta ſtatio: And a Forreſt
 is not in every ſhute, but in the Woodie Countie, where great
 Couets and fruitful patures be. In which ſome ſay: whoſe the
 Wood be, either the Kings or any other mannes, ſo that the wilde
 beaſtes may haue their free and ſafe coorte and abiding: and ſo the
 creation of the ſame Forreſt. This Article is neither for the enlar-
 ging nor diminiſhing of the common Lawe: but it is a ſober ſhal,
 that the Kings before that time had made Forreſtes of the Woods
 of other men: as well as his owne ſometimes: and ſo by it
 doth appeare that before the making of theſe Statutes the King
 might haue made a Forreſt in every Wood that he would: as well
 in the Woods of other men, as in his owne ſometimes: and ſo
 he might at this day: becauſe it is ſufficiently ſhewed that the King
 hath had game and other diſpoſures of pleaſure, more in the ſig-
 nific of a Forreſt, to ſhew the time in which he hath had his ſolace
 and recreation where he will command: ſo that the King by his ſpeciall
 ſhorte will command that any place within his Regall iuriſ-
 diction, where wilde beaſtes are, ſhalbe kept for a certaine time
 for his pleaſure and diſpoſite: then no perſon ought to chaſe or
 hunt there for the time commaunded: and yet the ſame is not a
 Forreſt by that commaundement: for the King is to haue ſuch
 things by matter of Record.

And

A Forreſt muſt
 be in the woo-
 dy Countie.

The Woodes
 of other men
 may be affo-
 reſted as well
 as the Wood
 of the King.
 Carta de Fo-
 reſta Artic. 1.

And ſo ſheweth
 againe.

The Lawes of the Forest.

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And so it appeareth that a Forest is a safe abiding place for ^{What a Fo-} wilde beastes, in the protection of the King for his pleasure and ^{rest is.} delight: and yet not for all kind of beastes, but for such beastes as are belonging to the Wood, that is to saie, for Harts, & Hinde, Bucke and Doe, Raven, Songsters, wilde Dogges, wilde Bulles, Wyne, wilde Beares, Hares, wilde Goats, Partrons, Foxes, Wolves, Squirrels, and all other beastes of Herrie, ^{Beastes that are belonging to the Wood.} and Hermine of chafe, so long as they are remaining within the circuit of the Forest, it is not lawfull for any person without the Kings licence to hunte, chase or kill them or any of them there, although that some of them are not beastes of the forest, nor beastes of chafe: yet so long as they are within the forest they are in the kings free protection: so that no man may chase them there (except only in places where they have bene accustomed time out of mind to chase as such little Hermine in their own lands, out of the kings demaine lands and Woodes: Whose Hester in his learned reasoning of the Lawes of the Forest doth saie that there be five wilde beastes that are accompted beastes of the Forest, that is to saie, the Hart, the Hinde, the Hare, the Wolfe, and the Boare: and there are also five other wilde beastes that are accompted beastes of the chafe, that is to saie, the Bucke and the Doe, the Fox, the Partron, and the Squirrel: these also the old Foresters were wont to call the beastes of the Forest, and the beastes of chafe. And it doth appeare by the ancient Lawes of the Forest made by King Canutus in his Canon the 27, that all the wilde beastes that do live within the Forest are not accompted beastes of Forest: but only certain of them, for the woldes are these: *Sunt inter alia preter* ^{Canutus lawes of the Forest:} *Foresta bellina, gun, dum, &c.* By which it doth appeare that there are wolden wilde beastes remaining in the Forest, that are not properly beastes of the Forest: and yet it is not lawfull for any person to kill them: for the killing hunting or hurting of them in the Forest is *Fractio Regalis Chace:* which by ^{Fractio regalis Chace.} the Lawes of the Forest is punishable: as hereafter it shall be shewed. The other Foresters do accompt that Connyes are not at all belonging to the Wood, for that they have a *primam*

signu

3

reuerendi

reuerendi; a minde of returning againe: and therefore they are not of such nature as the other wilde beastes are: but yet it is not lawfull for anye person to kill them within the Forest without the Kings licence. Wilde Beastes, how wilde they are not now in every Forest, nor found in any Forest in this Realme: and wilde Beastes beinge enemies to the common wealth, are not to be suffered in any place, as heretofore they haue: so that they are at this daie all bestrope and not remaining in any Forest in this Land.

The manner howe a Forest is made, is this.

When the Prince is minded to make a Forest in any place that is meete for the same: then the King may graunt out a commission vnder his great Seale of England, directed to certaine discrete persons appointed for his grace for that purpose, thereby commaunding them to view, perambulate, and also to meere and bounde the place where the King will haue the same Forest to be made. And when they haue so executed his graces commaundement according to the tenor thereof: and the same beinge once returned and certified of record into his high Court of Chancery accordingly: & Proclamation thereupon openly made, choiſing out all the Shyre within the which the same Forest is to be made, that after that time no person shall haue by chase any manner of wilde beastes within the precinctes or boundes of the same place so returned and certified of record: as is accustomed, without the Kings especiall licence for the same. Which said perambulation, Proclamation and certification of the manner & boundes of the same piece of ground beinge once returned, and the King intreated to the same by matter of record, doth make the same a Forest: whose land or grounde shewer the same be, where the same Forest is so made: For it is at the libertie and pleasure of the King, to reserue the wilde beastes & the game to him selfe, for his only pleasure and delighe in such Princlledged places, where he will haue a firme peace appoynted for them. And in the very like manner,

a wile

How a Forest
is made,

The King is
to haue a Fo-
rest by matter
of record, 10

a writ may go out of the Chaucery to the Shire of the Shire, to inquire what place is most convenient to make a Forrest in: whereupon the Shire shall charge an inquest to inquire of the certainty of the place, & the boundes thereof: & to put the same in writing, & then to certifye it into the Chaucery: and when the king is thereof a certeyned by matter of recorde: he may send to the Shire by letters, patents, that he shall then cause it to be proclaimed in the Kings name: that the place which he hath so certified, shall from hence forth be a Forrest: and that all persons shall refrain from hunting or chaling of any of the wilde beastes within the boundes of the same.

Here you may note that every Forrest must haue boundes, as it doth appeare in Assisa Forestarum, articulo 18. and these boundes being once by matter of Record, they are the Kings, for

Omnes Metæ Forestarum sunt integre Domini Regi: and therefore no man can or maye take them away. And so every man may by search know the true limits and boundes of every Forrest: And the like of the Purlew, for the same was once Forrest, and afterwarde disafforested, which is done by matter of Record also.

And also that the game therein shall be reserved for the pleasure and dispose of the King and his nobles only. And that doth make the same a Forrest: and if the same be made in any other maner then is aforesaid, then it is no Forrest: for the King ought to haue those matters, by matters of recorde, and not otherwise. For if the King commaunde by worde only that no person shall chase or hunte in certayne groundes of his Subjects owne landes any wilde beastes of venery: this doth not make the same a Forrest: neither shall any person be punished for hunting of wilde beastes of venery in his owne landes: (for such a commaundement by worde only) by the Lawes of the Forrest, as if the same were a Forrest in deed, where such a person did so hunt: but yet it is otherwise where the same groundes doth belong to the King only as his owne demesne landes.

The King is to haue every thing by matter of Record. The commaundement of the King by word only doth not make the land of his subjects a Forrest. In the Kings owne landes no man maye hunt.

And if the King do make such a commaundement by matter of record, as is before declared: yet the same is not a Forrest before that wilde beastes of venery be therein: for if there be no wilde beastes of the venery in it, the grounde is in the same nature that it was before, and the same is not altered.

Every Forrest must haue all wilde beastes of necessity.

What is incident to a Forest.

What officers do belong to a Forest.

A Courte of Swanemote is incident to a Forest: and also the courte of Attachementes.

The King may make a Forest in the landes or Woodes of any other man as it appeareth in the foresaid Red booke of the Exchequer in these words: nec interest cuius sunt nemora sine Regis sine Rigni sine procerum.

A comon person may haue a Forest by the graunt of the King.

Also before that it can be a profitable Forest, it behooueth that the King do appoynt certaine nest Marie and more officers, for to take charge of the same: as Verderors, Foresters, Regardors, Woodwardes, Agisters and such like. And before that such officers be appoynted, it is not a profitable Forest for the King: for these officers must haue the charge of the Vert & of Venison, for the preservation of it. Of which two things, a Forest both chiefly consisteth, and without the same it can be no Forest. And also it behooueth that euery forest haue a Courte, which is called the Courte of Swanemote: for a Courte of Swanemote is incident to euery Forest: euen as a Courte of Pipowders is incident to a Foler. And yet there are diuers places within this Realme, that are called Forestes, and they haue the names of Forestes, and yet they haue not vsed to keepe any Courte of Swanemote: but such Forestes do not seeme to be Forestes in dede, but they are rather Chases then Forestes: for it cannot be a Forest, vntlesse the same haue both a Courte of Attachementes, & also a Courte of Swanemote belonging to the same.

Who by the Comon Lawe may make a Forest.

As longest the learned in the Lawes of the this Realme, it hath bene alwayes holden for a generall opinion, that by the comon lawe, the King may make a Forest in all Woodes or Places wheresoeuer he will within this Realme: as well within the Woodes or landes of his Subiects, as within the Kings owne demesne Woodes or landes as is aforesaid: and no other person may make a Forest, but the King only. And yet there is no doubt, but that a noble man or a common person may haue a Forest by especiall graunt from the King or Prince, vnder the great Seale of England: As the Duke of Northfolke in times past had: And also the Lord of Burgouen had a forest in Southe, called the Forest of Saint Leonards: Also the Duke of Buckingham had diuers forestes, as the forestes of Brecknock, Dove and Cantelley and others: which notwithstanding that they were in their

their hands being subiects, yet they were Forrests still, and of the nature of Forrests. And so there are diuers noble men at this day that haue Forrests of their owne by the graunt of the King or Prince, made to them or to some of their auncestours: and if any offender be found offending in any of those places that are such Forrests, then they shall be punished for the same offence according to the lawes of the Forrest, & according to the qualitie of their offence.

A Forrest is a Franches of such noble & princely pleasure incident onely to the royal dignitie of a Prince: that therefore

no person can make a Forrest but the King onely. But yet a common person may haue a Forrest by graunt from the King, as it doth appeare by the recitall of the Statute of 22. Ed. 1. ca. 7. For at the time of the making of that Statute, diuers persons had Forrests besides the King.

It seemeth that in times past, there were diuers Forrests in Wales, which although they were in the hands of Lords & noble men, yet the owners of them had by the graunt of the King Iura legalia: by reason whereof those owners of such Forrests and their officers did vse such extreame dealing towards the people of the countrey, that diuers great misdemeanors and tyors did thereby ensue: besides that they had such lawes, exactions, and strange customes in those places, as it doth appeare by the recitall of the Statute of 27. of H. 8. ca. 7. that the same act was made of purpose to reforme and take away the same. And the reason why the Lawes and customes of Forrests in Wales did so much differ from the Lawes of the Forrest in England is, as it seemeth, because that some time Wales was a iurisdiction of it self before that the same was united and annexed to this Realme by the Statute of An. 27. H. 8. ca. 26. And before that time, they haue had Princes of them selves, which haue had authoritie to make Forrests and Lawes, also concerning the same, which is contrary to the lawes of this Realme now: for at this day no man can make a Forrest in England but the Queenes most excellent Maiestie, because her highnesse hath that Soueraignetie & royall prerogative reserved onely to her selfe. For as it is proued by the opinion of Master Treherne in his reading upon the Statute of Carta de Foresta, the King of Scottes, although that he be a King or Prince in his owne countrey: yet he neither may make a Forrest

Exactions by the owners of Forrests in Wales.

Strange customes concerning Forrests in Wales. 27. H. 8. ca. 7.

Wales was a Principallitie of it selfe.

The Queenes Maiestie hath a royal prerogative to make a Forrest.

Treherne in his reading, fo. 3.

nor yet haue a Forest in England, without the especial graunt of the King or Queene of England, because in that respect he is but a subiect himselfe, neither hath he any prerogative or soueraigntie in this land to make a Forest, or to haue any Forest here, except the same be by the especial graunt of her Maiestie. And this much concerning these two points, Who may haue a Forest, & why may make a Forest by the comon lawes of this realme at this day.

Now it is to be seene what difference there is betweene a Forest, Chase, Warren and Parke.

The difference
betweene a Fo-
rest & a Chase

The officers
of the Forest.

The wood-
more court,
The Swani-
more court.

The difference
betweene the
beastes of the
Forest, and the
beastes of the
Chase

The beastes of
the Forest are
called Silue-
stres.

The beastes of
the Chase are
called Cam-
pestres.

There are five
beastes of the
Forest

And there are
five beastes of
the Chase.

The difference betweene a Forest & a Chase, is, that a Forest hath keepers, foresters, Verderors, Regarders, Agisters, Woodwards, & other officers, & also a Court of Attachementes, which the old foresters do call The Wood-mote, & a Court of Swanymote: and a Chase hath only Keepers or a Keeper, & no court of Attachementes nor court of Swanymote, nor other officers as a Forest hath. The difference betweene the beastes of the forest & the beastes of the Chase is said to be this: that the beastes of the Forest are canum siluestres, and the beastes of the Chase are Campestris tantum: for the beastes of the Forest do make their abode all the day time in the great Couerts & secret places in the woods: and in the night season they do repaire into the lawnes, pastures & pleasant feedings for their foode & reliefe: and therefore they are called Siluestres, that is to say, of the wood, or beastes that do haunt the woods. And the beastes of the Chase, they do make their abode all the day time in the feedes & vpon the Hills or high Mountaines, where they may see round about them, who both sturre or come neare them: And in the night season when euery hople is at rest, & all is quiet, then they do repaire vnto the corne fields or vnto the lawnes, meadows & pleasant feedings for their reliefe: and therefore they are called Campestris, that is to say beastes of the feede, or beastes that do haunt the feedes. There are but fyue beastes of the Forest, and there are also fyue beastes of Chase, as hath bene shewed before. Also, a Forest doth most chiefly consist of chase three things, v. of Vert, Venison, and certeine periculiar lawes and officers for to see the due execution of the same. And as concerning the first of them, which

is

is Vert, it is to be understood, that Vert, which the olde Fore-
 sters were accustomed to call Greene hewe, is every kind of thing
 that doth growe within the Forrest and beare greene lease, which
 may be any succour or conert for the wilde beasts to haue their
 secreat abyding in. The seconde thing is Venison, by which is
 understood all maner of wilde beasts of Venerie, which are beasts
 of the Forrest, & beasts of the Chase. The third is, certaine per-
 ticular lawes which are onely proper & belonging to a Forrest for
 the preservation of the same Vert & Venison, & for the punishmēt
 of such as are offenders therein. And because that these lawes
 might the better be executed: Every Forrest hath certaine meete
 officers for that purpose only, as Verderors, Regarders, Fore-
 sters & such like, &c. Also, this word (Forrest) is both a generall &
 a compound word, for that the same doth comprehend many things
 in it. For a Forrest doth alwayes comprehend in it, a Free chafe,
 a Parke & a Warren, & all these are contained in a Forrest: And
 therefore, if any person do hunt or kill within the Forrests any ma-
 ner of Wilde beasts, which are but vermine, & neither beasts of
 the Forrest, nor of the Chase, yet the same person is to be punished
 for the breach of the kings free Chase. Also if any person do hunt
 or kill wilde Conpes in the Forrest, he shalbe punished for y same.
 And likewise, if any person do destroy Partridges or Fesants
 within the Forrest, he is to be punished: for they are fowles of war-
 ren: and the King having the franchises of a free Warren within
 every Forrest, all such fowles & beasts of Warren are by him pro-
 tected in the same only for himself & his nobles, for his pleasure &
 princely delight. The King himself may have a Forrest, but so can
 not a common person without a special graunt from the King for
 the same. Also a common person may have a free chase by the grant
 of the King or Prince, or els by prescription, And it is to be noted
 that a comon person may prescribe to haue a park or a warren, in a
 certaine place within his Mannor as appendant to the same: as it
 doth appeare in Icin Northampr An. 3. E. 3. & An. 13. H. 7. E. 16
 & An. 7. E. 4. f. 18. where al these are holden for good prescriptions,
 & diners of them are allowed in the Cite before the Justices of
 Forrests for good claims. He y hath a Freecole by y king must not

A Forrest doth
 consist of verr,
 Venison, and
 Lawes for the
 purpose,
 Greene hewe,
 Venison,
 Perticular
 Lawes.

A Forrest doth
 containe in it,
 a free Chafe,
 a Parke, and a
 Warren.

Fractio Rega-
 lis Chace, see
 Carta de Fore-
 sta of king Ca-
 nutus, canon
 27.

The taking of
 Fesants and
 Partridges are
 forbidden by
 the Statute of
 11. H. 7. ca. 17.

Itinere North-
 ampton. An. 3
 E. 3. Br titulo
 Prescription,
 57. Vide ibide
 quoque, 108.

Misuser.
Prescriptions.
The punishment of offenders in a chase

vse the same for all maner of wilde beastes; but onely for wilde beastes that are beastes of the Chase. And the offenders that are taken offending in any Chase they are to be arrested, imprisoned and punished by the common law and by the Statute de Malefactoribus in Parcibus Chaceijs &c. which was made in An. 21 E. 3. But such offenders are not to be punished by the Lawes of the Forest, as offenders in the Forestes are.

Now it is to be scene what thing a Warren is.

Campestris
non Siluestres.

Vide, the Register, in titulo Trespas de malefactoribus, That these onely are beasts & birds of Warren.

21 E. 3. de Malefactoribus in Parcibus.

A Warren is a franchises, or privileged place of pleasure onely for those beastes & Fowles that are beastes and fowles of Warren, id est, tantum Campestris & non Siluestres, v. z, for such beasts & fowles as are altogether belonging to the fields, & not unto the woods, & for none other beastes or fowles. Ther are but two beastes of Warren, that is to say, Hares and Connyes. And there are also but two Fowles that are Fowles of Warren, v. z, Fesants & Partridge. And no other wilde beasts nor byrdes haue any firme peace, privilege or protection within the Warren. If any person be found to be an offender in any such free warren, he is to be punished for the same by the course of the common law, & by the Statute of 21 E. 3. called the statute de Malefactoribus in Parcibus Chaceijs &c. For the most parte, there are no officers in a Warren, but only the master of the game, or the keeper. A free Warren is sometime inclosed, and also sometime the same both lye open: for there is no necessity of inclosing of the same as there is of a Parke: for if a Parke be suffered to lye open & not inclosed, the same ought to be seised into the Kings hands.

Abuser.

What a Parke is.

A Parke is a place of privilege for wilde beasts of Cenerie & also for other wilde beasts that are beastes of the Forest, and of the Chase, tam siluestres quam Campestris. And all those wilde beastes are to haue a firme peace & protection there: so that no man may hunt or chase them within the Parke without licence of the owner of the same: for if any person shall do the contrary, then he is to be punished by the course of the common law, as by an Actis of Trespas, which the same owner of the Parke shall bring against him.

him that shal so offend, or els such an offender shalbe punished according to the Statute de Malefactor in Parcis, &c.

But yet a Parke is of an other nature then either a Chase or a Warren is: For a Parke must be inclosed and may not lie open: for if it do that is a good cause of seysure of the same into the hands of the King or Prince, as a thing that is forfeited unto the King, and therefore the same is invariable, as a speciall thing given in charge at the Justice seate of the Forest: as you may see in the 10. Article of the Charge hereafter: And the very like is of a Free Chase, if the same be inclosed which ought to lye open. And it is further to be noted also, that the owner of such a Parke cannot by the Lawe punish offenders or hunters for hunting in the same Parke if it do lye open: as Maister Hester affirmeth in his reading of the Lawes of the Forest fo. 3. Also there are no such officers in a Parke, as there are in a Forest: for in a Parke there are no officers at all, but only a Keeper or Keepers, and the Maister of the game. And this you may see how a Parke doth differ in nature from a Free Chase, a Forest or a Warren: & what difference there is betwene any of them.

The wordes of the Statute are further: *videntur per bonos et legales homines, &c.*

Now it is to be seen how the Forest shalbe viewed, and by whome the same shall be done: And for that the King shall cause a writ of *ad quod damnum* to be made, which shall be directed to the Shiriffe, or to the Exchequer of the Shyre, or else a commission which shall be directed to certaine persons to which the King shall appoint for that purpose: commanding the same commissioners thereby that they shall take an inquest, and by their othe diligently to inquire, if King Henry the Second grandfather to King Edward the first, have forfeited or made a Forest of any landes of any other mans, then of his owne demaine lands. Then the inquest upon them othe shall present what landes they were that so were forfeited, (if any such were:) and what damages the parties have sustained by the making of such landes a Forest: & then the commissioners shal returne such presentmentes

Abuser.
A Parke must be inclosed of necessity, for the same may not be suffered to lye open: for if it doe, the same is a good cause of seysure of the same into the hands of the King: and this is called abuse, for that the same is abused from the nature of a Parke.
Maister Hester in his reading fo. 3.

How the Forest shall be viewed.
The Shiriffe or Exchequer shall take an inquest to inquire what Woods the King hath a Forested that were not the Kings owne demaine woodes.

The King
doth not take
any thing but
by matter of
recorde, nor
departe from
any thing but
by matter of
Recorde.

into the Chancery: so the end that it may appeare by matter of recorde what lands were afforested by him: so that the same lands or Woods as they were afforested at the first by matter of recorde, they may likewise be disafforested againe by matter of recorde. There is a most excellent Decretum, concerning the Purgation of Windsor Forest, which was viewed & returned into the Chancery, and afterwards disafforested and so became Parke: which I do omit here to set downe, because the same is so long that a Quire of Paper will scant containe it: but I have placed the same in the end of this booke.

The words are further: Et si boscum aliquem alium quam suum dominicum afforestauit: ad damnum illius cuius boscus ille fuerit statim deaforestentur.

It appeareth by the recital of the Statute in these wordes: Et si boscum aliquem alium &c. that all such Woods as were afforested by King Henry the Second, graund-father to King Edward the first: (which were not the Kings demesne Woods:) to the damage or hinderance of them whose woods they were: that then the same Woods so afforested, should be viewed as afore saide: and after such viewe, and the certaintie thereof knowen: then they should be disafforested. Nowe it is to be seene what is the meaning of these wordes, ad damnum illius cuius boscus &c.

Lands viewed.

Ad quod
damnum.

The hinderance of him
whose land is
afforested and
in what.

And for that matter it is to be understood, that if the King do afforest any of the Woods or landes of any of his Subjects, the same is both a great damage and hinderance to him whose Woods or landes the same is that so is afforested: for that the owner of the same is now thereby restrayned of his former libertie, and tied to the bondage of the assises of the Forest: so that he cannot hunt nor chaefe the wilde beastes that do feede in his owne ground, but suffer them to feede in quiet, by reason that the same place is now within the Kings Forest, and so become a Priviledge for them by the law: whereas before that the same place was made a Forest: if any wilde beastes had then feede upon the same ground: the owner of the ground might haue hunted and killed them to his own profit and commoditie: Also before that the same was made a Forest, the owner of such ground might haue felled his

Woods

Woodes at his owne pleasure, without any licence or helpe of the Foresters, and so haue converted the same to his best profit. Also before the afforesting of the same, the owner thereof might haue converted his Pasture or Meadowes into tillage, to his best commodity: And also to haue taken the Agistment and Pasturage of his Woodes which they that had lands within the Forrest could not do before the making of the Statute of Carta de Foresta Articulo 9. For that branche of the saide Statute doth giue that libertie to the inhabitants of the Forrest which they had not before: that is to saie, that euery man may agist his owne Woodes, and take the Pasturage of them to their owne vse: which before the making of the said Statute, the Foresters did claime to haue the same to the vse of the King only. All which things considered, you may see that for any man to haue his Woodes or lands afforrested is a very great damage and hinderance vnto him: for the inhabitants in Forrestes do suffer a very great bondage more then those who dwell without the boundes of the Forrest.

He that doth dwell within the Forrest may agist his owne Woods by the Statute of Carta de Foresta Articulo 9

The bondage of the Forrest.

The wordes are further, Statim deaforrestentur.

So that all the Woodes and landes which were afforrested by King Henry the Second, which was graund-father to King Edward the first, after such helpe & inquisition made, as is aforesaid by the commissioners or heuwers: and the same helpe or inquisition by them returned into the Chaucery: so that the king may be thereof certained of the truth of the same by matter of record as is aforesaid: then after such a certificate thereof made by such officers & inquestes & perambulations of the very boundes of those lands so afforrested: the same is disafforrested & no more any more: and then those landes are euer after called Purleues: because that the same was once Forrest, and afterwards disafforrested: so that now the same is as good as free againe as it was at the first: for which reason that is a Purlew man to hunt in his owne Purlew: and he is accompted a Purlew man that may dispense forre shillings by the yeare of free hold: and therefore the same doth take the name of Purlew, that is to saie, Purlew, that is for him and no other person, but he that may dispense forre shillings by the yeare of free hold.

Lands disafforrested.

Lands disafforrested.

Word Purlew

The King
may disaforest
any parte of
the Forest by
his letters Pa-
tens.

Walewood.

What is meant
by Purlui, Pur-
lieu, Puraler.

The wilde
beastes of the
Purlieu must
haue Free re-
turning to the
Forest if they
can escape.

A calf.

The grauntee
of the King
may haue a
Forest with
Foresters &c.

A Iustice of
the Forest
must be made
by the King
vnder the great
Seale of En-
gland.

The beginning
of the Forest
Lawes.

Also the King may disaforest any landes that are aforested by his letters patents: as he did to the Abbot of Strassford for Wale-Wood in Essex, within the Forest of Waltham: which although the same be now at this time Forest, yet the same was once no Forest. And here note that all such land as is so disaforested, after the disaforesting of the same: then that land or Wood is Purlieu: (id est Purlui:) for the same is a Forest still, as unto him that is no Purlieu man: and the same is Free Purlui, only for him that is a Purlieu man: there is Purlui, Purlieu and Puraler: Purlui, for him, that is to saie, only for him to hunt that may dispend fortye shillings by the yeare: Purlieu, that is to saie, for the place, so that he must be a Purlieu man in the place where he doth hunt, or else he is no Purlieu man there: Puraler, that is to say, to goe and come: so that if a man be a sufficient Purlietoman in the same place wher he doth hunt: yet he may not for-
sall or forrester the Deare, but he must hunt the wilde beastes so, that if they haue a mind of returning to the Forest again, they may as the worde is (Puraler,) goe home to the Forest againe if they can escape and ouertunne the Grey-houndes being put on after the game. And if the King which hath a Forest with all the incidentes, do graunt the same to another man: then the grauntee shall haue the same Forest with all the officers and incidentes belon-
ging to the same, which cannot be seuered, as Chapers. Foresters Agistors and Woodmen: as it appeareth by Walter Treherne in his reading of the Lawes of the Forest, fo. 4. But quere of Cler-
berys and Regardors, for they are chosen by the Kings wylt. But such a grauntee shall not haue Iustices in his Forest, saith Walter Treherne: for no man can haue a Justice in his Forest but the King only: for such a Justice must be made by the Kings com-
mission, vnder the great Seale of England. Before the making of the Statute of Carta de Foresta, there was no Lawe certaine for offences committed in Forests: for at the beginning the same was at the pleasure and arbitrement of the King to punish the of-
fenders in Forestes, untill that King Camarus and others did make certaine Canons and Constitutions, for the maintenance of
the;

The Lawes of the Forest.

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Next and Menison, which afterwarde by continuance of time, such Constitutions were taken for a lawe, and such lawes were not certaine neither, before the making of this Statute lawe of Carta de Foresta: But the Lawes of the Forest were alwayes differing from the Lawes of this Realme, as it dothe appeare in the booke of the Erchequere aforesaid, where it is written as followeth: Sane Forestarum Lex, ratio, pena quoque vel absolutio delinquentium. siue pecuniaria fuerit siue corporalis scorsum ab alijs regni iudicijs discernuntur. Et solus regis arbitrio seu cuiuslibet familiaris ad hac specialiter deputati subiocitur, legibus quidem proprijs sublitit, quas non iure communi sed voluntaria principum Institutione subnixas esse debent adeo ut quod per legem eius factum fuerit non iustum absolute, sed iustum secundum legem Forestarum dicatur, quia in Forestis penitralia regum sunt & eorum maxime deliciae, ad has quidem venandi causa curis quandoque depositis accedunt ut modica quiesce recreentur illic Serijs simul & multis Curia: cumultibus omissis in naturalis libertatis gratiam paulisper respirant, unde sit ut delinquentes in ea solitregie subiacciant animaduersioni, which in English is this: Cruely (saith the said Booke) the Lawes of the Forest: the reason, and punishment: the Pardon, or absolution of the offenders, whether the same be pecuniarie or corporally it shalbe differing from other Iudgements of the Lawes of the Realme, and shalbe subiect unto the Iudgement of the King whosoever, to determine at his will and pleasure, or of some of his Chiefties thereunto especially appointed for that purpose, which for the said Lawe, reason, punishment, and pardon shall not berped to the order of the Common Lawe of this Realme, but unto the holuuntarie appointment of the Princes, so that, the same which by this Lawe in that behalfe shalbe appointed or determined, shal not be accounted or called absolute Justice or Lawe: but Justice or Lawe according to the Lawes of the Forestes: Because that in the Forestes there are the secrete pleasures and Princely delighes of the Kings: For Kings and Princes do resort to the Forest for their pleasure of hunting, having for that time layde aspecial

The beginning of Forest Lawes.

Libro Rubro Scaccarii.

Here you may note that offenders in Forests, before the Statute of Carta de Foresta, were punishable at the wil & pleasure of the King onely.

the Lord chief Justice of the Forest, hath always bin one of the noble men of the Realme.

By this it appeareth that the Lord chief Justice of the Forest, hath always bin one of the noble men of the Realme.

printed

At

care,

cares, to the ende that they mighte there be refreshed with some quiet, being wearied with the continuall busines of the Court, they might (as it were) breathe a while for the refreshing of their free libertie.

And thereupon it cometh to passe, that such offenders in Forrestes, for their offences are subiect unto the onely Judgement and determination of the King: And so before the making of the Statute of Carta de Foresta, and alwayes since unto this daye the Lawe of the Forest did differ from the Common Lawes of the Realme: And by this Statute the Lawes of the Forest which were not certaine before, are now by the same made certaine in most things. And whereas this Statute was defectiue, the same hath bene since supplie by other necessarie Statutes, as you may see here before.

And whereas the wordes before rehearsed are, Et solius Regis arbitrio seu cuiuslibet familiaris ad hac specialiter deputati, It doeth appeare that the Office of the Lorde chiefe Justice of the Forest is a place both of great honour and of high authoritie, and that the same place is to be executed by some great Person of the Realme that is alwayes one of the Kinges most honorable private Counsell. And then when that any such noble person is made Lorde chiefe Justice in Eyre of the Forest by the Kinges especiall Commission, hee hath by that as great authoritie as any other Justice in Eyre hath and moze: For then he may punish all trespasses of the Forrestes, according to the Lawes of the Forest. And he may heare and determine all the Clames of the liberties and franchises which be within the Forest: as to have Parkes, Warrens, and Waters: And also of them which do Clame to be quite of assartes and Purpallures, & of them which do Clame Leetes, hundredes, felons goods, waifes and fugitives, and other liberties within the Forest: and likewise of them which do Clame to keepe Parks and other beastes of the Chase within the Forest. For by lawfull and good Clames men may iustifie the doing of many things within the Forest, which otherwise were unlawfull. But those Clames must be such Clames as I have shewed

The authoritie
of the Lord
Justice in Eyre.

A man may
presente so
haue waife &
straye, but not
felons goods.

shewd before that haue bene allowed before the Iudice in Eyre within the time of prescription.

The diuersitie betwene the Iustice of the Forest and Iustices in Oyer at large and other Iustices, is, that the Iustice of the Forest shall punish those that be indicted at the Swanimore and presented before them in their Sessions by fine and imprisonment at their discretion; and the partie indicted shall not trauesse it, because he is presented by moze persons than by twelue: and that is a condemnation against him. But the Iustices in Oyer, and other Iustices of the peace, if they do determine such Trespasses done in Forestes, (which by the Lawe they cannot do:) which is presented before them by waie of indictment: then the parties so indicted shall haue their trauesse allowed them; which they shall not haue of the Enditement taken in the Swanimore, and tryed before the Iustice of the Forest.

Those which be Iustices of the Forest, when they haue their Commission from the King, for the keeping and holding of the Iustice Seate there: they shall make their warrant and Precept to the Shyrife of the Shire, within the which the same Forest is, where the Iustice Seate shal be holden, which saide Precept is in these wordes: Thomas Louell nobilis ordinis garterij Miles Iusticiarius Itinerans omnium Forestarum Domini Regis in Anglia tam contra Treuantiam ultra; Vic' Essex salutem ex parte dicti Domini Regis tibi precipio quod summonneas per bonos summonatores omnes Archiepiscopos, Episcopos, Abbates, Priores, Comites, Barones, Milites, & eorum liberi tenentes qui terrae tenementa habent infra metas Forestae domini Regis de Waltham in Com' Essex & de qualibet villa & villata infra eas de metas quatuor homines & propositus & de quolibet Burgo infra metas eandem forestae duodecim probos & legales homines & omnes alios qui coram Iusticiario placita Forestae veniunt solent & debent quod sint apud Waltham die Lunae prox' post festum Sancti Petri apostoli prox' futur' coram me praesentari iuxta litteras tuas vel meo in hac parte deputato audientibus & iudicantibus quae ad placita Forestae statum pertinent.

The warrant of the Lorde Iustice in Eyre to warne the Sessions of the Forest.

De qualibet villa & villata quatuor homines & propositus duodecim probos & legales homines

The generall
Sessions of the
Forest proclai-
med.

Et ulterius tibi precipio quod totam balliuam tuam, videlicet, tam in Burgis & alijs villis quam in Perijs, Mercatis & alijs locis publicis publice proclamare facias, Quod omnes illi quicunque qui per Cartas dicti Domini Regis & antecessoris seu progenitor aut alio modo aliquas libertates Franchefias aut liberas Consuetud. Foresta infra dictam forestam habere clament, sine coram me præfat. Iusticiari aut meo in hac parte deputato die & loco prædictis ostensuri quas libertates habere clament. Et omnes attachiati pro virid. & venatione infra forestam prædictam post ultimam placit foresta tenent, ut coram pleg. & manucaptor. habuerent dicti per manucaptionem coram Iusticiari. Domini Regis, Isterant. proxim. illic venient. quod ad tunc sine ibi coram me præfat. Iusticiari ad stand. recto. & ad faciendum ea quæ secundum legem foresta facere debent, & quod tu ipse sis ibidem cum Balliuis tuis ad exequend. & cerciorand. me super his & alijs negotijs illis tangentibus & habeas ibi summo- nator. & hoc breue, Teste, &c.

Also, when that the Justices of the Forest have obtained their Commission at the handes of the King to holde these generall Sessions for the Forest. It is to be understood, that when they doe make out their Writte of generall Summons for to Summon and commaunde all manner of persons to appeare there where the same is to bee appoynted by the saide Writ in such maner and forme as is before declared, they may by the order and course of the Lawe, of very necessitie give unto these officers and others that are to appeare there, a daie of reasonable warning by the space of forty daies at the least, to hold their Sessions in, in the same manner as the Justices in Chancery doe make; and they shall hold Writs of quo warranto, as the other Justices do: and that is the generall Summons that the Statute of Carta de Foresta doth speake of: And there is also another kind of generall Summons, which the Justices of the Forest shall cause to be made by directing of their warrant to the chiefe Officer of the Forest, which warrant is in the forme as followeth.

Thomas Lovell nobilis Ordinarius Camerarii iussu Furberius
itine.

Fourtie dayes
warning.

itinerantis omnium Forestarum domini Regis in Anglia tam ci-
tra Trent quam ultra: Johanni de Vere comiti Oxon. custod
Forestarum domini Regis vel eius locum tenent in eodem salutem
ex parte dicti domini Regis vobis mando ac firmiter iniungen-
tes quod venire facias coram me prefat. Iusticiar. apud Waltham
die Lunze proximum post festum Sancti Petri Apostoli prox-
satur. omnes Forestarios, Veredarios, Regardatores, Wood-
wardos, ac alios ministros eiusdem Forestar. qui nunc sunt et qui
post ultimam placit. Forestar. predict. tene fuerunt et eorum
quemlibet cum omnibus rotulis seu placitamentis et attachi-
amentis Forestar. infra de viride quare de venatione que post vl-
timam placitans, illa et diversa, et non de retentione, existerunt: fa-
cias Regardatores Forestar. qui sunt et qui post ultimam placi-
tam predict. tene ibidem fuerunt cum omnibus regardis suis
per idem tempus factis et introlatis: faciasq; in super ad ranc et
ibidem omnes agitatores eiusdem Forestar. qui nunc sunt et qui
post tempus predictum fuerunt et eorum quemlibet cum quanti-
bus attachiamentis suis et rotulis agistamentor. ad stand. inde
recte et ad faciend. ea que eis et eorum quemlibet secundum le-
gem Forestar. iniungent, aut que facere debent, facias etiam ve-
nire omnes illos qui clamant habere aliquas libertates aut fran-
chegas infra Forestam predictam quod sunt etiam in ead. loco
meo tenete ad predict. diem et locum distent. in quocumq; rila-
mine habere libertates, franchegas, seu privilegia: et qui war-
anto et quod vos scitis ad tunc et ibidem cum omnibus et omni-
bus predict. ministror. et hoc brevis nobis remittente, teste &c.

The writ to
the chife war-
iden.

Rotula Regar-
datorum.

Rotulo Agi-
statorum.

It appeareth by this writ, that the authoritie of the Iustice of
the Forest, hath differ. from the authoritie of other Iustices in
Oyer, for the Iustices of the Forest may make a deputy or
Lieutenant to execute their office in place, and so cannot other
Iustices in Oyer do but that is by reason of the Statute of H. 3. of
King Henry the 3. say before the making of that Statute, if it be
meth that the Iustices of the Forest could not make a deputy or
Lieutenant to execute their place of office: for as much as the
same in a judicial place of authority.

The Justice of
the Forest may
make a deputy
by the Statute
of 31. H. 3. ca.

And if the King which hath a Forest wish all the incidents vnto the same: & he doth graunt the same vnto any other person: the graunte shall not haue the Iusticeship of the Forest by the same graunte: for he shall not haue a Court of Swanimote in the proper nature of the same: for if such a graunte do keepe a Court of Swanimote for his Forest: he cannot do any thing in the same but take presentments against offenders, as they do commonly vse to do in the Court of Attacheinentes: & the reason is, because that the graunte by such a graunt cannot haue Clerdoyes nor Regardoyes; for they are chosen by the Kings writ and there can be no proceedings against offenders in Forests in the Court of Swanimote without the Clerdoyes and Regardoyes: And again it shalbe in haue a Court of Swanimote and such officers in a Forest as is aforesaide: if he may not by the Lawe haue a Justice of the same Forest, that may cause Justice to be executed of such presentments against such offenders: but yet such a graunte as is aforesaide by the same graunt may haue Foresters, Agisters and Woodwardes; for the sake keeping of his Wood and Clevelon: as it doth appere by Master Heskett in his learned reading of the Lawes of the Forest; fo. 7.

Treherne in his reading of the Lawes of the Forest fo. 7 Master Heskett in his reading of the Lawes of the Forest fo. 7.

A Forest in the hands of the King: but a Chase in the hands of another man.

A Forest in the hands of the King, may be a Forest in the hands of another by the Kings speciall graunt. Note the difference.

But if such a graunte chance to haue any trespassse done in his Forest by offenders in the same; he may very well haue his remedie against them by an Action at the common Lawes and so the common Lawe hath not lesse such a graunte: vnprouided of his remedie against such offenders: and because that such a graunte doth want some parte of the authority of a Forest by such a graunte as is aforesaide: therefore the same Forest is not properly a Forest in verbe, but rather a Chase being in the hands of such a graunter: and for the same was a Forest in the hands of the King: But if the King by his letters patents, do graunt a Forest to any of his Subjects; and by the same his letters patents he doth give and graunt vnto the graunter full power and authority to make a Justice of his Forest: and to haue all the officers of a Forest: as he aforesaide: and Clerdoyes, Regardoyes, &c. (which is *Lura regalia* in that behalf) then such a graunte may well

Well haue the whole authoritie of a Forest in his owne proper nature: and then the same Forest doth continue a Forest still in the hands of such a grantee, by reason of such a grant onely.

Nowe the difference betweene a Forest and a Chase is this: In a Chase the King hath the sole right of the chase, and the King's officers are the only persons who may hunt in the chase. In a Forest the King hath the sole right of the forest, and the King's officers are the only persons who may hunt in the forest. The difference betweene a Forest and a Chase is this: In a Chase the King hath the sole right of the chase, and the King's officers are the only persons who may hunt in the chase. In a Forest the King hath the sole right of the forest, and the King's officers are the only persons who may hunt in the forest.

Now it is to be seenne, what persons are compellable by this Sentence to appeare before the Justices of the Forest by this generall Summons mentioned in the beginninge of the same Statute. And it is to be understood, that before the makinge of this Statute of Cartas de Foresta, the lawe of the Forest was, that all them within the Countie, who dwell within the Forest, were bounde to appeare before the Justices of the Forest, by this generall Summons, when they shold hold their: Spere or Sessions of the Forest in that Countie: and all Barons, Knights, Freeholders and others, were bounde to appeare before the Justices of the Forest, by this generall Summons, at their: gentill Sessions before the makinge of this Statute: as it hath appeare in a lisse Foresta: facta tempore Henrici Secundi Caput. i. in hoc verba) Comitibus, Baronibus, Militibus, liberis tenentibus, et omnibus hominibus de eadem terra veniant ad Summons nostrum foresteriarum, si se voluerint defendere in eadem in iudicio. Regis ad placitum et placitum de Forestis suis vel ad aliam gratiam faciendam in eisdem. And also the same is affirmed: by the words of the Statute, viz. de cetero inquit, is, that from henceforth no man that dwelleth within the Forest shalbe compellid to come before the Justices of the Forest by this generall Summons of the Forest: by which wordes from henceforth it is plainly noied, and sheweth unto us that

Assisa Forestarum
H. 2 cap. 19.

The reason of
the making of
this Lawe.

that before the making of this Statute, all persons that did dwell without the Forest, within the same Countie, were then bound to appeare before the Iustices of the Forest, by the generall Summons, which was a very great vexation and trouble to all persons which did dwell without the boundes of the Forest, to giue their attendance there during all the time of the Sessions; And it doth seeme that one principall cause of the making of this Law was: that for as much as R. Henry the Second, graunt father to King Edward the First, had afforested the Landes and Woodes of diuers persons which were not the Kings owne home sue Woodes: (as it doth appeare by the first Article of this Statute: and all those are there appoynted to be disafforested againe, and so to be put cleane out of the Forest:) Where this Second branch of Article, is as it were an especiall provision thereto for them that then were dwellers in those places which some times were within the Forest, and yet by this Statute put out of the Forest, that they being out of the boundes of the Forest, should not be compelled to come before the Iustices of the Forest at their generall Sessions by this generall Summons as they were wont to do, but lesse that they be pleyged for some other person that is an offender: or that they be thereto impleaded for any ptee of the Forest: or that they be attached by any Officer of the Forest to appeare before the Iustices for the same offence of the Forest: And it is to be understood that this branch of the Statute is deuised into two partes (that is to say,) concerning those that do dwell without the Forest, and those that do dwell within the Forest: for in some cases those that do dwell out of the Forest ought to appeare before the Iustices of the Forest by reason of the generall Summons, notwithstanding the words of the Statute aforesaid. *And againe in some cases, they that do dwell within the Forest shall not be compelled to appeare before the Iustices of the Forest by the generall Summons, notwithstanding the words of the Statute aforesaid: And in some cases they shall appeare by other Wordes than by generall or common Summons. And as concerning the first deuision which is of those that do dwell out of the*

the

the Forrest, and yet they are compellable to come before the Justice of the Forrest, by this generall or comun Sommons: notwithstanding the wordes of the Statute aforesaid. It is to be understood that if any person which doth dwell out of the Forrest, have any libertie or franchises within the Forrest, for the which he is to put in a Claime before the Justices of the Forrest: then such a personer or dweller out of the Forrest, must of necessitie appeare before the Justices of the Forrest, by this generall or comun Sommons, & there to preferre his Claime for the same libertie or privilege at the first daie of the Sessions of the Forrest: (notwithstanding the wordes of the saide Statute:) or otherwise his Claime shall be seyled into the handes of the King: for non Clamer of the same. And in like manner it is if one that doth dwell out of the Forrest have a profit appendur out of any land within the Forrest, or any office within the Forrest, or any other privilege or libertie: then he must of necessitie appeare before the Justices of the Forrest, at the first daie of the Sessions, & there put in his Claime for the same: and so he is bound to take notice of this comun or generall Sommons, and thereby to appeare, although that he doth dwell out of the Forrest: (notwithstanding the wordes of the Statute aforesaid:) or else the same office, privilege or libertie, shall be seyled into the handes of the King for non Clamer of the same. So it is if a man have two houses, the one of them within the Forrest, and the other of them is out of the Forrest, and the owner of them is resiant and dwelling some times at the one, and some times at the other: so that he is peradventure resiant and dwelling out of the Forrest at the time of the Sommons of the Sessions of the Forrest: yet notwithstanding such an abiner ought to appeare before the Justices of the Forrest by this comun Sommons: (notwithstanding the wordes of the Statute aforesaid:) as it appeareth by Master Hesketh in his learned reading of the Lawes of the Forrest.

Non clamer, is
cause of seisure

Master Hesketh
in his reading,
fo 7.

And now, as to the Second Revision of the saide Statute, concerning those that doe dwell within the Forrest: and yet they shall not be compelled to appeare before the Justices of the Forrest by the comun Sommons aforesaid: It is to be understood, that all

manner

manner of persons dwelling within the Forrest, and being under the age of 21. yeares: although that they be inheritors of landes within the Forrest: yet they are not compelled to appeare before the Loyde chiefe Justice in Eyre of the Forrest, at the generall Sessions: by reason of this comon Summons aforesaide.

And in like manner, all manner of persons that are dwelling within the Forrest, being either Lame, Sickly or else blinde: they are not to be forced to appeare before the Loyde chiefe Justice in Eyre of the Forrest, by this comon Summons aforesaide.

And all manner of persons that are of the age of 70. yeares and upwardes: they are not to be forced to appeare before the Loyde chiefe Justice in Eyre of the Forrest by this generall Summons, although that they do dwell within the Forrest: (notwithstanding the wordes of the Statute aforesaide:) for they are provided for by the Statute of West. the Second Cap. 8.

If any man that is dwelling within the Forrest: and the same person is employed in the service of the King in some other place, so that he could not by reason thereof appeare before the Loyde chiefe Justice in Eyre of the Forrest, he may have his writ called Warrantia diei for to excuse his apparance before the Justice of the Forrest.

If any Archbishop or Bishop have landes within the Forrest: the said Archbishop or Bishop him selfe in his owne proper person, shall not be forced to appeare before the Loyd Justice in Eyre by reason of the generall or comon Summons: and yet note the wordes of generall Summons are these: Precipio quod Sumoneas personos Sumonator omnes Archiepiscopos, Episcopos, Abbates, Priores, Comires, Barones, Milites, et eorum liberi tenentes qui terram aut tenementa habent infra metat Forestæ domini Regis. Sec. But all spirituall persons are exempted to be compelled to be put in Tines by the Statute of Parliam. ca. 24.

But yet their free tenants that appeare by reason of this generall Summons, if they do dwell within the Forrest, or else they halve amerced.

Also all Carles and Barons which have landes within the Forrest,

Vide the Statute of Marlebridge. An. 52. H. 3. ca. 24.

Vide the Statute of 13. E. 1. ca. 37.

Haker. fo. 8

An. 32. H. 3. ca. 24

forrest, and they do dwell out of the Forrest: they themselves shall not be compelled to be before the Lord Justice in Eyre of the Forrest, by this generall Summons: but it shall suffice if their Free tenants do appeare there, although the wordes of the writ be to Summon the Carles themselves, et eorum liberi tenentes: as it doth appeare by Master Hesketh in his reading fo. 8. but Knights and al other Free tenants which do dwell within the Forrest, they shall be forced to appeare, before the Lord Justice in Eyre of the Forrest, by this comon Summons: for they shall be put in quest in his reading, there: so shall not Carles, Barons, nor other Lords of high estate, for they shall not bee compelled to bee sworn upon enquestes, them selues for any maner of triall there: And the like it is for women that are francke tenants within the Forrest, for they them selues shall not be compelled to be put vpon any enquestes.

Furthermore the Seruantes of any man dwelling within the Forrest, shall not be compelled to appeare before the Justices of the Forrest by this general Summons mentioned in this Statute: for it shall be sufficient for the Master of such a Seruant him selfe to appeare and not his Seruant: quia illi iung sub manu possu aliterius coram iusticiarijs nostris de Foresta.

But all Archbishops, Bishops, Abbotes, Priors, Carles and Barons, and all other of what estate or degree soeuer they be, which doe claime any liberties, freedoms, privileges or other Free customes within the Forrest: they must appeare before the Justice of the Forrest by this generall Summons, to make their Claimes for the same, or otherwise the same liberties, freedoms and customes shall be seised into the handes of the King for non Clamer of the same: but they need not to appeare in proper person but by their Attorney.

All Knights and those that be Freeholders which do dwell within the boundes of the Forrest: and also all those that be francke tenants of any landes within the Forrest: and although they be Spirituall persons and do dwell out of the Forrest: yet they shall be compelled to appeare before the Justice of the Forrest at the generall Sessions of the Forrest, by his generall Summons, not with

Tr. herne in
his reading,

pages 8.

fo. 8.

et eorum liberi
tenentes
et eorum liberi
tenentes
et eorum liberi
tenentes

Vide ante, fo.
76. assisa Lan-

standing the wordes of the Statute are, qui manent extra Forestam: for although that they do dwell out of the Forrest, yet because that they haue landes within the Forrest, the lawe doth exempt them resident where their lande is in that respect: for otherwise the Sessions could not be holden, nor Justice done in the tryall of liberties and other things there concerning the Forrest. And it is to be vnderstood, that all manner of persons that do dwell either within the Forrest or out of the Forrest, if they are to appeare at the Justice Seate for generall Sessions by any such Sommons in respect of their Landes that they haue within the Forrest to serue there vpon inquestes: then those persons are to appeare in proper person onely, and not otherwise.

What persons
shal appeare in
proper person,
and what per-
sons by Attur-
ney.

And all manner of persons which do appeare before the Justice of the Forrest, to make any Claim there for any manner of liberties or privileges: those persons may appeare there either in proper person, or by their Atturney, whether they will at their election. I do haue by the assises and Iters of the Forrestes of Lancaster and Pickering: that men that are impleaded for trespasses which are done in the Forrestes, may make their apparance in foure sortes, which are as followeth.

In proper person,
Sometimes } By Atturney.
 } By Gardin.
 } By Prochein amy.

I remember by Master Hesketh in his reading of the Lawes of the Forrest: that vpon any Bill, presentment or Indictment for trespasses done in the Forrest, the defendant may appeare by an Atturney, or in proper person at his election to answer the same trespass. But I do thinke that he doth meane by that apparance by an Atturney, to be at the Court of Attachementes, or at the Swaninote Courte, and not at the Justice Seate before the Lorde chiefe Justice in Eyre. For as I do take it, every offender that is bounde to appeare there to answer any trespass of the Forrest

Forest, he must appeare in proper person, and not by any Attorney: For although the same be but a trespassse, yet in this trespassse the King is a partie: and it is holden for Lawe in 20. E. 3. so: that in trespassse where the King is a partie: the defendand must appeare in proper person, and not by Attorney: and so a difference is there taken: And also all offenders that are bounde to appeare at the Justice Seate, which have been presented at the Swanimote Courte before as they ought to be, they do stand convicted in Lawe: so that they are then past answering of their offence in that place. But if any trespasser in the Forest after the Courte of Swanimote was holden, and before the Justice Seate be kept, have done a trespassse in the Forest in Vert of Tension: and the same being presented at the Justice Seate before the Lord Justice in Eyre of the Forest: & the same offender hearing of it, doth repaire to the same Justice Seate, and there doth appeare in proper person gratis: he may then traaverse the same presentment if he will: For as yet this shall not be saide to be presentatum per Forestarios et convictum per viridarios, unless the same were done at a Swanimot, according to the ordinance of the Forest, made in Anno 34. E. primi. But in this case the defendand may appeare by an Attorney if he wil: & so by his Attorney he may be allowed his traaverse to the presentment against him.

20. E. 3.

In proper person.

By an Attorney.

If an Infant be impleaded for any trespassse of the forest, before the Lord Justice in Eyre of the Forest, the same Infant may appeare in proper person at the same Justice Seate, & there declare unto the court that he is an infant within age: and pray the said Lord Justice in Eyre that J. J. may be allowed his Garden to plead for him in this case: which the court will allow him so to do, or else in this case, if the infant do not appeare himselfe in proper person, but doth send the said J. J. which declarerh unto the court that William Blunt which is here impleaded is an Infant within age: and prayeth that he may bee received as his Garden to plead for him: Then the Court will admit him thereunto.

Per Garden.

And in like manner it is where an Infant having chosen his Garden, which Garden is sicke or otherwise will not or cannot

Per prochein amy.

and

3

appeare

appeare at the Justice Seate before the Lord Justice in Eyre of the Forrest, to answer for such an Infant that is there impleaded before the Lord Justice in Eyre of the Forrest: Then if the saide Infant doe appeare before the Lord Justice at the saide Court, and there prayeth that John Astile may be receiued for him as his Procheinamp to plead for him, the Courte will receiue him therewith.

But it seemeth that al those that are mainprised or bailed until the general Sessions of the Forrest: they must of necessitie appeare in proper person before the Lord Justice in Eyre of the Forrest, And not by Attorney, nor by Garder, nor by Procheinamp, by reason of the said generall Sommons.

If a man attached for a trespassse of the Forrest, do finde pledges to appeare at the next generall Sessions of Eyre of the Forrest: there aswell the Pledges as the defendant ought to appeare: quia principales debitores et plegij sunt equales ad debitum regis, si aliter est de alijs debitoribus: and if the Pledges to such a trespassse do appeare by comon Sommons, but not the defendant himselfe: then the Pledges shall be imprisoned for that default of the defendant, until that they haue made fine for that default of the defendant: But otherwise it is, if the defendant himselfe do appeare and be ready in the Court before the Lord Justice in Eyre, to receaue his iudgement & to paie his fine. But if such Pledges doe make default, in that case the Pledges shall be amerced, but not fined. But if the Pledges, that be Pledges for him, be bound in a certaine summe of Pouny for the apparance of the defendant: then if the defendant do not appeare him selfe at the generall Eyre of the Forrest by the comon Sommons, although that his Pledges do appeare there, & do also aledge some reasonable excuse for him: yet notwithstanding those Pledges haue forfeited the summe that they were so bound in, by reason of his default.

But the King in that case shal not haue execution against them of that summe presently, but onely a Scire facias against those Pledges to answer the King: Si rien point dire, while the King should not haue execution of the saide summe against them: and then

M. Hesketh, f. 11

The difference
between a fine
and a merce-
ment,

then if they haue any matter to plead to saue the default of the defendant: they may plead the same or any other matter that they will in Barre of it, although that the default doe appeare by matter of Record: for in euery case vpon a Scire facias, the defendant may plead any speciall matter in aboydance of the same, as hee might doe vpon any other originall proces. And note that there is a great diuersitie betweene Bayle and Maipnise: for he that is maipnised is alwayes saide to be at large, & to go at his owne libertie out of warde, after that he is let to maipnise, vntil the daie of his appearance, by reason of the saide common Summons or otherwise. But otherwise it is where a man is let to bayle to foure or two men by the Lord Iustice in Eyre of the Forest, vntil a certaine daie, for there he is alwayes accompted by the Lawe to be in their warde and custodie for the time: & they may if they will keepe him in warde or in prison all that time, or otherwise at their will: So that he that is so bayled, shall not be saide by the Lawe to be at large or at his owne libertie. And this manner of Bayle is, when any man is attainted of a trespassse in the Forest, and is taken in execution of the same: then the Lord Iustice in Eyre of the Forest, may let him to bayle as is aforesaide: and the forme of the entree of that bayle is *J. S. tradietur in ballium: et S. corpus pro corpore vsq; ad &c.* and in this case maipnise doth not lye: But he that is either bayled or maipnised, he must be in proper person: and the Lord Iustice in Eyre of the Forest himselfe is onely to let an offender in the Forest attaynted to bayle as is aforesaide, & not the Shiriffe nor Bayler nor any other officer of the Forest, but the chiefe Warden of the Forest may let a trespasser of the Forest to maipnise by the words of the Statute of Anno 1. E. 3. Cap. 8. But he cannot deliuer a man attainted of a trespassse in the Forest to bayle, as is aforesaide. Note the difference: Et nota quod cessat parol maipnise est intend, quasi manu captus et liberatus ad largum vsq; ad diem, et cessat parol baile est intend, quasi traditus in balliu ad saluū custodiend' semper in eorum custodia quibus tradietur vsq; ad diem. Quod nota.

Baile & maipnise.

1. E. 3. ca. 8.

Hocket. fo. 11.

The

The wordes of the Statute are further: Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites et liberi tenentes qui habent boscos suos in Forestis, habent boscos suos sicut eos habuerunt tempore prime coronationis regis Henrici aui nostri, ita, quod quieti sunt imperpetuum de omnibus Purpresturis vastis et assartis factis in illis boscis post illud tempore vsq; Sec.

The scope of this Article is in effect but assurance of the common Lawe in this poynt, that all men that haue Woodes within the Forest, shall from henceforth haue those Woodes as they were wont to haue and vse them. And then afterwarde it goeth further and extendeth to a generall pardon for all manner of Purprestures, Wastes and assertes, that were before that time made or done in their Woodes within the Forest vntill the beginning of the Second yeare of the Raigne of King Henry the Thirde, which did make this Charter of the Forest with this clause: That all those that from henceforth shall make any waste, purpresture or assertes in any Woodes within the Forest, without the Kings especiall licence so to do: that then they shal answer the King for those wastes, purprestures and assertes: By which you may note that by this braunch of this Statute, Purprestures, wastes and assertes in Forestes are forbidden, for they are punishable and finable: so that therefore you may note by this Statute, that if the King shall asserte any Woodes or landes of any of his Subiects, for the sake keeping of his wilde beastes of Venery for his onely pleasure and dispozt: that then after the same is so asserted, it is not lawfull for any person to cut downe or destroy their owne Woodes within the Forest, without the licence of the King: for if it were lawfull for men that haue woodes within the boundes of the Forest to destroy and cut downe their Woodes at their pleasure: then by that meanes they might in very short time make the Forest no Forest at all, for if they might be suffered to cut downe their Woodes in the Forest, and to de-

stroy

Assisa Forstae
Articulo 4.

drop them. Then by that meanes they shoulde vnye all the Deere out of the boundes of the Forrest to seeke for Woods and Couerres for to fauour them in out of the Forrest where euery man woulde kill them at their pleasure: which were against all reason; that he that hath the charge of all the Realme and the publike weale thereof for our defence, shoulde not haue that prerogative to reserue vnto him selfe such things as are meete for the pleasure of a Prince in such places as they may be found for his consolation and comfort, but all manner of wilde beasts, of what kinde soeuer they be, if they be found at large out of defensible places, as out of Forrests, Chases, Warrens, Parkes, and Butliues, then Capienti conceditur, that is, they shalbe said to be theirs that can take them: But so long as they are in such defensible places they are the kings. Ante fo. 61.
of the owners of the ground, as it hath bene shewed before, fo. 61.

Now because the words of the Statute are:

Et quid de cetero vastum Purprestum vel assartum sine Scio

It is necessarie to see what thing Purpresture is, & what thing Assart is, and also what is Waste. And therefore it is to be vnderstood: that purpresture is most properly where any man doth usurpe or wrongfully meddle with any thing: that he hath not right, title or warrant by the Lawe to haue or to meddle with the same: and there are three branches of them: (that is to saie) Purpresture against the King and a common person. Purpresture against the King and the common weale, and Purpresture against the King only and no other common person.

Purpresture against the King & a common person is, where any person hath a certaine close in the Kings Forrest, lying by the waste soyle of any Lord of a Maner: and he that is owner of the same close, doth encroach vpon the waste soyle of the same Lord: and so thereby enlargeth his private ground, and taketh in the waste soyle of the same Lord which he hath no right nor title so to doe.

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21.

this

this is Purpresture against the King to new inclose ground that was not inclosed before: & so thereby the Kings wild beasts are re-
 strayned of their free passage more then they were wont to be:
 and this is also Purpresture against the Lord of the Maner: for
 as much as the said owners of the close hath wrongfully taken in
 and inclosed the wast soyle of the said Lord of the maner.

2 Purpresture against the King and the common weale is,
 where any man doth build a house or a wall, or a hedge, or a ditch,
 in any common high way, or lane, or passage within the Kings
 Forest: so that by reason thereof the Kings subjects nor his Deere
 can haue their quiet & free passage as they have had in times
 past: this is Purpresture against the King, and also against the
 Common weale: for as much as the same is an annoyance to all the
 Subjects of the King.

3 Purpresture against the King onely is, where any person
 within the Forest of the King doth build a dwelling house or any
 other house where there hath not bene any house before that time,
 although the same be in his owne ground, if it be done without
 the licence of the King, or the Lord Justice in Eyre of the Forest:
 this is a Purpresture done against the King, for that the same is
 a new incroching of a thing that was not before: and every such
 new erecting of any house in the Forest is Purpresture: for the
 same is a deterror *in feruam*, and ad nouum *incrochum*.

And so you may see that where any man doth incroch any thing
 vnto himselfe being within the Forest, either vpon the King or
 vpon any other person without any good or lawfull warrant for
 the same, then the same is called Purpresture: and if any man with
 out good warrant or title do take vpon him any iurisdiction or fi-
 sherie within the Forest: that is a Purpresture of the Forest. Also if
 any man do hold any Fair or Market without the graunt of the
 King, or lawfull prescription: the same is Purpresture. And the
 third is, if any man do take in or inclose any of the wast soyle
 of the King within the Forest: or doe build any Sumptuous or
 honest vpon the wast soyle of the King or any other man, or vpon
 his owne grounds where there hath not bene any before: that
 time

time, the same is Purpresture: Inuenies in libro rubro Scaccarii titulo Accidensibus quod Purprestura fit interdum per negligentiam vicecomitis vel ministrorum regis, vel per continuationem in longa tempora vel bellicam tempestatem, ve qui habitant prope fundum coronæ vel adiacentur, aliquam eorundem portionem sibi vsurpant et suis portionibus ascribunt cum autem per iustitias res iudices per sacramentum legitimos viros compartum fuerit, apreciantur et vic. traduntur vnde seorsum respondeat et hanc dicimus Purpresturam vel occupationem iniustam.

Vnde dicitur
Purprestura:

And it appeareth by Glauill in his booke de legibus Anglie in titulo de Purpresturis: that Purpresture is property when any thing is taken or done by wrong upon the Kings high waye: as in stopping or turning of the common Water course from their right course, or when any person doth set up a house in the Kings Eyrie upon the Kings ground. And so generally, when any thing is by wrong incroched upon the King or his revenues, the same is Purpresture: and all such places saith Glauill bee belong to the Kings Crowne. The poyne thereof is, that the offender shalbe graciously amerced, and the Purpresture shalbe destroyed or altered at the will and pleasure of the King. But if the King will haue the same to remaine still: then the suit thereto shalbe inquired by an inquest and so the King shall bee answered of the value thereof. But if appeareth further by the said booke that if any such offender be dead, his heire shall not be charged of the amercement. And this injury concerning Purpresture.

Now it is to be seene whar is ment by this worde

Waste: And what by this worde Waste:

And so for that it appeareth by the said booke in the Exchequer: quod assarta vero occasiones nominantur quando scilicet Foresta nemora vel dumeta pacatis et lanibulis oportuna succiduntur, quibus arboribus et radicibus avulsis terra subvertitur et excolitur: So that it appeareth by these wordes, that if any woods or Underwoodes, or other courtes of the Forrest: as Meads, Broodes or Feemes and such like be wilfully plucked

M. Heket.
fo. 20.

by the roottes: so that the bushy lannes of Woodes or couertes, be thereby made plaine and become erable land or pasture: Then that is called assartes or land assarted: although that the owner of the same receiue no profit by it. And it is said for Lawes by Master Heket in his learned reading of the Lawes of the Forest: that if a man haue Medow or Pasture lying within the great Couertes of the Forest, where the wilde beastes haue their continuall haunte & rest: if he do conuert the same to tillage, then the same is assarted also, and shalbe called land assarted.

A Waste of
the Forest.

But if the same Medow or pasture do lye within the Forest of the King, and yet out of the great couertes of the Forest, and the owner of the same doth plowe it and conuert the same Medow or pasture into tillage: Now this is not assartes or land assarted: but this is lande wasted, and shall be called a waste of the Forest. But a waste of the Forest is most properly where any man doth cutt downe his owne woodes within the Forest, without licence of the King, or of the Lord chiefe Justice in Chier of the Forest. And if, afterwarde the same owner of the ground hauing so wasted the same as is aforesaide, do digg and plucke by the roottes of the same Wood & Trees out of the ground, and so make the same Couerte a plaine: then that is assartes, and shalbe called land assarted. And so you may see that a man may make both assartes and wast upon one and the selfe same peece of ground. And note that the punishment of such offenders for assarting and wasting of their landes within the Forest, is, that they that are convicted of those offences shall paye to the King greuous amercement for the same.

Carta de Fo-
resta, Artic. 4

Some men doe holde an opinion that the difference betwene Purpresture and assartes is, that Purpresture is made vpon the Kings ground onely: and assartes vpon the lande of another man. But that is not so: for a man may committe Purpresture & assartes also, aswell in the landes and Woodes of the King, as in the landes and Woodes of other men. And Contraria. Purpresture and assartes may be made aswell in the landes and Woodes of other men, as in the landes and Woodes of the King. And that is proued by the wordes of Carta de Foresta Articulo 4. where the king both

doth graunt that all the Subjects of the Realme shall haue their Woodes within the Forest, as they had them before the making of the same Charter.

And also doth there graunt further into them a pardon for all purprestures, wastes and affortes, made and done before the making of the same Charter in their owne Woodes: For the wordes are there habeanr boscos suos, that is, they shall haue their owne Woodes. And afterwarde the wordes of the pardon are, quod quieti sint imperpetuum de omnibus purpresturis vastis et affortis factis in illis boscos. Then Ergo both purprestures and affortes also may be made in the Woodes and landes of other men, as well as in the landes of the King: which is contrarie to the opinion of Master Treheme in his reading. And also of Master Archer in his reading of the Lawes of the Forest, which I do greatly maruell at. For it doth also most plainly appere by the assises and customes of the Forest, made in Anno 6. Ed. 1. Articulo 4. in these wordes: Si quis in aliquo fuerit in dominico domini regis affortando, vel purpresturam faciendo corpus debet reteneri, fructum extra dominicum infra reuadum debet poni per 6. pledg. &c. By which wordes of the Statute it doth appere, first, that affortes and purprestures also may be made and done in the demesne landes and woodes of the King: and therefore the Statute hath an especiall manner of proceeding and punishment appoynted for the same, only differing from affortes and purprestures that are done in the landes and Woodes of other men. And Secondly, that affortes and purprestures may be made and done in the landes and woodes of other men also: and therefore the same Statute hath there set downe a manner of proceeding and punishment differing from the proceeding or punishing of those that haue made affortes and purprestures in the demesne woodes and landes of the King. Then Ergo it is not the land of the King that doth make the difference between affortes and purprestures, seeing that both affortes and purprestures are as well in the landes of other men, as in the landes of the King: and so to conclude in this.

But surely the same difference between purprestures and

Assise & Con-
suetudines Fo-
restæ, Vide
this Statute
ante, Pa. 23-
in Latin, and
in English,
Pag. 36.

The difference
betweene pur-
presture and
assartes.

assartes in this is this, that purpresture is a wrongfull intro-
ding of a new thing upon the King only, or upon the King and a
common person that was not before. And assartes is the conuer-
sing of any covert in the forest into arable land, as if a man be de-
stroy his woods and digg them up by the routes, and so convert
the same into tillage, this is assartes as hath already beene shew-
ed before.

The wordes of Carta de Foresta Arriensio. are further:
Et de vastis, purpresturis et assartis nobis respondant.

NOW it is to be shene how the King shall be answered of such
invasions, assartes and purprestures, and by whom. And there-
fore first of all it is to be understood, that nothing must be suffered
of such offences in this manner, that is to say, when a man is in-
dicted or presented in the Swainmores Court of any such wastes,
purprestures, or assartes: and that the same is presentatum per
Forestarios et duo decim riores et vniuersum per viridarios,
and afterwarde when such indictments or presentments be
certified before the Justices of the Forest, then they shall make
outproces against such as be indicted, as is afore said. And when
they doe come before the said Justices of the Forest, by reason of
such proces: then they shall make their fine for the same offences
that they doe stand in indicted or assented in, by the direction of
the Justices of the Forest, without any answer or excuses to the
indictment, because the same is a conviction against them by the
Law in that behalf, and is done by the said Justices. And
when that the Justice of the Forest hath certified their offences, then
the same shall be brought into the Exchequer, and
thereupon the Baron of the Exchequer shall make one pro-
ces against them, directed to the Sheriff of the same County
where they do dwell: and then the same Sheriff shall answer the
same fine upon his account, as it doth appeare in this Rubro Seac-
carij, and in this manner they shall answer unto the King for the
wastes, purprestures and assartes which are made. For some times

Libro Rubro
Seaccarij.

it is otherwise of purpessure, for that the same may be tollation
to stand still at the discretion of the Loyde Justice in Eyre, and so
to be arrented, and to paie yearly a certaine rent to the Quenes
Wardens for the same. And such a renting of such purpessure
must also be certified into the Exchequer, and the Quenes Warden
is to be answerable thereof upon every Shiffes coming and
going to and from the said ports.

Vide ante Pa.
49. the case of
my Lord Dier.

The words of the same Charter in the third Article are these:
Omnes autem Bosci qui fuerint affranchati per Regem
Richardum a rebus in nostris iugis penam coram
nobis non habent, statim de affranchamento suo doctores
iurem habent, quod non deinceps ad nos veniant.

Article 3.

This Article is to that effect that the first Article in the same
Charter is. For as King Henry the Second, which was
grand-father to King Edwards the first, had a forested a greates
parte of the landes of his Subiectes, which to cause a greatcha-
tuning, to growe against him: For the remedying of which mis-
chiefe, the said first Article hath provided, that all such landes that
he had so affranchised, which were not the Kings owne demesne
landes, to be burthens of his Subiectes, that they should be viewed by
good and lawfull men: and all such landes so affranchised, which
were not the Kings owne demesne landes, should be forthwith
disaffranchised. And like wise King Richard and King John
had in their times affranchised the landes of their Subiectes in many
places in this land, to the great discomfort of the whole Realme:
for the remedying whereof, this third Article or branch hath like-
wise provided this remede: that they forthwith should be dis-
affranchised, as in those words in that King Henry the Second
hath affranchised.

And likewise the affranchised and more take a forest and hote
they are disaffranchised and make no forest againe. What of the
affranchising of the same land to the owners thereof: and for the
same as the laweth before the same that before disaffranchised and by
whom, it hath beene the same as the laweth before.

And

is

to those woodes which were the Kings ancient demesne woodes
or landes: although that the King by the Lawe might afforest the
Lands of his Subjects in any place where he would within this
Realme: yet any King or Prince hath seldome or neuer afforested
the landes of any of their Subjects in any place in this Realme;
but where as the same King or Prince also hath had landes or
woods of their owne. And then when that such a King or Prince
did so afforest their owne landes for the enlarging of their pleasure
and delight in hunting: they did afforest the landes of their Sub-
jects next adjoining to the Kings landes or woodes so afforested:
all to which landes that were so afforested by King Henry the Se-
cond, King Richard his uncle, or King John his father: they are
here by these two by lincies; the 1. and the 2. to be disafforested
again. But such landes or woodes which were the Kings owne
demesne woodes or landes, they are here by 2. byanches refer-
red to remaigne and be free: the first; In these woodes will sit do-
minicus bos cap. nother: and those landes that were not the Kings
owne demesne landes that were adjoining to the landes of the
Kings that were so afforested after such disafforesting of them:
then they are at the libertie of the owners thereof, as they were
before that the same was so afforested, to cut downe their woodes,
to make their landesearable that were before of pasture before,
or any other way to convert the same to their best advantage and
profit. And also the same owners may chase the wilde beastes
that they do finde there, at their owne pleasures, and kill them if
they can take them by chasing with Greyhounds, or other wise:
so that they do not forestall them or forestall them in their returning
to the Kings Forest again. For all such landes that were once af-
forested by the King, and afterwards disafforested: then the same
is ever afterwards purtenu: and of the name of purtenu so that
there is not any lande that is or can be purtenu, but first as was
once a Forest or a Free Chase. For there may be landes that are
purtenu, adjoining as well to a Free Chase as to a Forest, as it
doth appere in the Case of the Lord Gray of Winton: whose
landes by the Ditch his brother may say so. The book is so yll.

Purtenu.

And

And it is to be understood, that such Lands or Woods as are here dis-
afforested by this Statute or Charter, the same was at the request
of the Communitie of this Realme, that is to say, of Gentlemen, women, and of the poorer sort of people which had such lands so
afforested by the said Kings, for whose reliefe these two branches
of this Charter were most especially made, as it both also appeare
by another Statute that was made in 33. E. 1. Statute. 5. cal-
led the Statute of the Puraleys, beginning in these wordes:
That whereas certaine people that he put out of the Forest for
the Puraley. And by the great men here made request to our So-
ueraigne Lord the King at his Parliament, that they might be
acquitted of their charge, and of things that the Forester had
commanded of them, as they were wont to do. So that you may
thereby see that the Puraleys were first granted at the especial
request of the Communitie of this Realme for their reliefe. And
here you may note by the wordes of the Statute of Carta de Fo-
resta, and also by the laide Statute of the Puraleys of Anno 33.
E. 1. that all such lands as were so disafforested, be thereby now
cleare out of the Forest and are Puraleys, according to the grant
of the King by his Charter of Puraleys granted to his subjects.
By which Charter, if you do diligently read and peruse it, you
shall thereby knowe the verie nature of the Puraley, and how the
same is made, & howe it hath his beginning, with all other things
thereto belonging to the Puraley: what things a Puraley man may
lawfully doe: and how he may hunt in the Puraleys by the lawes
of the Forest, and the Charter of the Puraleys. For although it be
lawfull for sufficient Puraley men, to hunt and chase the wilde beastes
in some sort in their owne land that is so disafforested any
more Puraley or free for them onely. Yet it is not lawfull for
every owner of land disafforested, to hunt or chase the wilde beastes
in their owne land disafforested: but only for them that haue it by
the right of freehold lands. For those that haue lands of freehold,
at the yearly value of 21. shillings, they may have Greyhounds
or other dogges to hunt withall out of the Forest, by the Statute
of Anno 3. R. 2. ca. 13. But so may not every other man that hath

Vide the case
hic ante, pag.
64

Hic ante 34
35.
The Statute
of the Puraley.

The Charter
of the Puraley,
in the end of
this booke.

not lawes to that purpose: For such pasture is by the Lawes of this Realme reserved for Barons, Knights and Gentlemen, and for some other men of good accompanie not for hinds nor peasants of the Countie to hunt at their pleasure without all order, and so to destroye the Princes game. And it is to be understood, that of such persons as were put out of the Forest by the Purview, they are excluded thereby of having any common within the Forest, by reason of the Statute of the Purview aforesaid; unless that they will relinquish the benefit of the Purview, & become Subiects of the Kingdome of the Forest againe as they were before. And it doth appeare by the Statute of Ordinario Foresta, that the Purview

Ordinatio
Foresta, anno.
34 Ed. 1. in
fine.

did first begin by the disafforesting of such landes as were once afforested, for the words are these: Volumus insuper quod illi qui communem pasturam in Foresta ante perambulationem factam habebant: Equi sunt postea repositi in Foresta, quibus de dicta communia per perambulationem predictam impediti fuerunt habean communiam pasturam de cetero in Foresta adeo large et libere sicut ante perambulationem predictam habere solebant salvis arent nostris in forma predicta and so you may see that such landes of the Forest as be disafforested, afterwards they are Purviews. And it doth also appeare by the same wordes that the Purviews are made by perambulation and viewet, returned into the Chancery. And in the manner the reposition to the Forest of such landes as were disafforested by the Statute, and afterwards made Forest againe, the same is to be done by perambulation and viewet which must be returned into the Chancery or Exchequer, because that the King can have nothing but by warrant of record, nor in such cases departe from any thing but by matter of record also. And all such landes as are put againe into the Forest, they are called Purviews after the same reposition, because they have Forest as they were before. But such landes as were disafforested by the Purview, and remained disafforested without any reposition, those are called Purviewes, in the which the owners may graze the wild beastes, and also cut downe the wood, and make their appoyntmentes to their own advantage. These

The repositio
of the Forest.

The difference
betweene the
Purview & re-
position.

those

those landes that are put againe to the Forest by reposition, they cannot do so there without licence of the Lord cheefe Justice in Eyre. And if it be fortune that a Deere gas out of the Forest into the Burlew, then the owner of the ground there may chase and kill him if he can. It be same Law is it a Hart, a Hound, a Buck, a Doe, or a Hare, or any other wilde beastes of the Forest, or of the Chase, which be cleerly wilde of nature, & that have not any man reverend, so that such an owner of the land, hath landes of free holme, to the valewe of fortye shillings in the Burlew. And if a Burlew man which hath landes in the Burlew to the valewe of ten shillings by the yeare, and one of his men which hath landes within the Burlew adjoyning to him, to the yearely valewe of five shillings: & wild beastes of the Forest ha comen upon their landes in the Burlews: those two Burlew men cannot chase together. But he that hath landes of free-holme, to the valewe of fortye shillings by the yeare of his owne landes, he may chase and kill his Deere any wher it maye upon his owne Burlew, and in the same lawe by the Lawes of this Realme: For all wilde beastes are cheifes that can take them. As it appeareth by Bracton. But if such wilde beastes being within any Forest, Chase, Parke, or Warren, or other Priviledged place, then they are the Kinges or the owners of those Priviledged places where they are remaining, as it hath ben shewen before, for of such wilde beastes men have manerly in them, the rangers fol.

The Purlews.

And if the Forest be in one Countie, & the Burlew in another Countie adjoyning: it be that hath fortye shillings by the yeare of free-holme landes in the Countie where the Burlew is, he may chase and hunt the wilde beastes in his owne Burlew: But if he have fortye shillings by the yeare of free-holme in the Countie where the Forest is, but hath not any landes in the Countie where the Burlew is, then he is not any Burlew man, neither may he take the benefit of a Burlew hunter.

And if a man having landes to the valewe of fortye shillings by the yeare within the Burlew, doe chase a Deere there, and hath his Greyhound runne after the wilde beastes, and the Greyhound

hound may follow the wilde beast into the Forrest, and there
both taken upon him or her. Nowe in this case the owner
of the hound must shewe the wilde beast to the King, and the King
of the owner of the Forrest, and saye a word or twoe that shall
make the wilde beast into the Forrest, he may not followe his
dogg into the Forrest, but he must stand at the outward boundes
of the Forrest, & there abide his hound by his dogg, & if he will
hauke againe, & for in this case, when the wilde beast hath broken
ten him self into the Forrest againe, then he is in Scam, & is prime;
and then the King or the owner of the Forrest hath property in
him, & a fine reason for; and then the taking of him in the For-
rest is not lawfull, neither with the same game the owner of the
Greyhound may property therein.

And in the manner it is if a man do let his Falcon, Goshawk,
or any other Hauke flye at a Pheasant or Partridge being out of
the Forrest, Chase or Park, and they two do flye together, and the
same Hauke both kill the Pheasant or Partridge within the Forrest
Chase, or Park: nowe the owner of the same Forrest, Chase or
park where the same is so killed, shall haue the game that is in such
sort killed, *causa qua supra*, for the owner of such Greyhound or
Hauk cannot claime any interest or property in any such game be-
fore that the same be taken: & before the taking of it the law game
was returned into the Forrest, Chase, Park or Warren, wheras
then the owner had property in it againe reason for. And if a
Greyhound be let runne in the Parkes after a wilde beaste
of the Forrest, and in chasing after him the Greyhound both kil-
len and seile upon the Deere heere vnder the Forrest, and the wilde
beaste by his force diueth the Greyhound spring upon him
within the boundes of the Forrest, and there is slain the owner of
the same Greyhound may very well take the wilde beaste to saynt
although that he were slain within the Forrest, for by the killing of
the dogg, the owner of the same dogg was in possession of the
wilde beaste: and the like lawe is if a Hauke be seiled of his game
without the Forrest, Chase or Park, and so seiled, then by the to-
gether within the boundes of the Forrest, Chase or Park, and
ther

A man may
haue the pos-
session of a
wilde beaste by
his dogg.

there to stay it; then the owner of the same Land may enter into
such a Forest, Chase or Park, & take the game so slain by the rea-
son aforesaid; But the contrarie is, when any Dogg is not kept
of such game before he cometh into such a Forest, Chase, or Park,
and such Game is in the game, flying into the same, & there doth take
such the game in that case the game being killed, doth belong to
the owner of the Forest, Chase or Park: And this is proved by the opinion
of several Doctors in their Disquisitions. And if a Horse or
any other wilde beast of the Forest doe come into the landes of a
particular man, which hath landes to the use of the Killings by the
peeres such a particular man may lawfully Chase those wilde beasts
and take them by chasing; but he may not foretell them nor fore-
set them in their returning into the Forest, so that they cannot
have free passage back againe but do kill them. For notwithstanding
that they be wilde of nature, yet in this case they have an
intelligence, that is to say, they have a mind of returning home
to the Forest againe. And yet if I doe let my dogg runne at any
wilde beast of the Forest within the Purcheus, & my dogg of his
owne courage doth crosse the Deere in his course towards the
Forest, and turneth him, and by that meanes doth kill the same
Deere, this is not foretelling, for it cometh of the courage and
cunning of my dogg, and not of my owne labour nor police.

And if any man not having landes within the Purcheus do finde
any kind of Deere or wilde beasts of the Forest in his owne ground
within the Forest, Chase, Park or Warren, may he may kill or
take them by what soever meanes he can devise: for then such
beasts shalbe saide to be cleavelly wilde of nature, and it cannot
be knownen whose they are, nor from whence they come, nor whe-
ther they will, when they are so straggled. And even so it is
of all manner of wilde fowles (except only fowles of the praye)
for they ought not to be foretold with nettes or other ingins:
but they may be taken within the landes of the Purcheus, when
aboutwards of the ground may take them.

It appeareth by the Statutes of King Henry the second, that the
same King did allowe & gave licence to any manner of foretelling of an
such

Bracton.
14. H. 2. fo. 12.

Wilde beaste
of the Forest
haue animam
revertendi,

Affia Forestæ
H. 2.

such things as are wilde of nature: for the lawes be these,
 Domini Rex principis et ducis et baronis et militis et capitanei
 et aliorum personarum infra forestam suam: et sub prelo et infra
 manerium eius: et per quodcunque sub rege suo: et sub alio
 quantum ad forestationem suam: et infra forestam suam: et infra
 suum vel alio loco per ipsum vel per aliquem: et infra forestam suam
 hoc habet: et hoc est prohibitionem de forestalling: et infra forestam suam

And that in a sufficient number made by the lawe, that may
 hunt and take the benefite of the Purleins by hunting: the must
 knowe this lawe, and knowe that a Purleyn man may not hunt in
 the Purleins at all times nor in what manner he himselfe will.
 For he must understand, that there be some things that a Purleyn
 man is forbidden to do by the lawes of the Forest in his hunting
 in the Purleins: And the hunting of any Purleyn man, contrary
 to any one of those tenne things so forborne, is punishable by the
 lawes of the Forest.

- 1 In the night.
- 2 On the Sunday.
- 3 In the fence-moeth.
- 4 Any oftner then three times in one weeke.
- 5 With any more chyng then his owne fowmes.
- 6 Within foure dayes next after the Kings ge-
 nerall hunting.
- 7 Within foure dayes next before the Kings ge-
 nerall hunting.
- 8 When the Forest is forning of any allanone
 in the next allanone.
- 9 By forestalling of the Kings wilde fowles.
- 10 After vnslawfulle Dene.

So that a Purleyn hunter or Purleyn man must knowe this
 commandment of the Lawe, by: Where the vnslawfulle
 lodes, which is, that every Purleyn hunter (I meane those that
 are sufficient Purleyn men by the lawe) must haue their pleasure of
 hunting

hunting there, so that they do not by the same diminish the Kings
wild beasts, which are something within the Forest of Chace of
their own power. And therefore the Lawes of the Forest haue
set downe the dayes when hunting is lawfull, and things that are most
convenient for the Kings wild beasts of the Forest, and for the cause
they are appointed by the King to be done or to be.

The first of them is, That no manner of person shall hunt in
the woods in the night, that is to say, after that the Sunne is
set, until the rising of the same. As by the Lawe it is accom-
pished, which is taken for a day, from the rising of the Sunne until
he is going downe of the same: And the wife for a night, from the
setting of the setting of the Sunne until the rising of the same, and
such a day is called Dies Solaris, that is to say, that is accounted
by the Sunne. And the reason why it is not sufferable for any
person either within man or beest, to hunt in the woods in
the night is, because that the Kings wild beasts may not be
troubled or disquieted of their quiet feeding and rest in the Forest:
for it is not possible for any man to hunt in the woods in the
night, but that the same will be. Ad serorem ferarum quæ sunt
infra Forestam, for although that perhaps their dogges do not
followe the wild beasts out of the woods, like the Forest in
chace, after that they perceive people of their hunting together, &
the gathering of those Deere that are scared out of the woods,
will diminish the quiet of the wild beasts within the Forest, &
the continuance of the wild beasts of the Forest is so, for the
foode in the night time when every beest is quiet and at rest: for
then they are not so much troubled by any noise, & of they are
not troubled or feared with any noise. And all the day time they
rest in the woods, being troubled with noise and the stirring
of men, so that they cannot feed quietly.

The second is, It is not lawfull for any man to hunt in the
woods on any day, for that day is appointed for the rest of
Mankind: And only, and by his law, that day is to be kept
holly, and not to be profaned: For by that way all profane
things are to be kept, and by that way the same is to be
kept.

proff

profit and good of the common Weale: then Ergo much more
all haine busines and ylle pastimes, as hunting and such like.
And for that cause, the Lawes of this Realm do not account the
Sunday to be any day in any Count or Wiltshire.

3 Thirdly, No man may hunt in the Parkes in the winter
moneth, or as it is called in the defence moneth, which moneth is
alwayes sitene dayes before Midsummer, and sitene dayes af-
ter Midsummer, which Month is the time of sawning: for then
the Fawnes are verye young and not able to runne, or to make any
hiss. Or els the Does are then great bellies, so that they are
not able to runne. And if a Purlien hunter should then chase in
the Parkes, and his Greyhound should followe the Does into
the Forrest, no doubt but that the same Greyhound would either
destroy the Does being great with young, or the Fawnes being
then very young. And neither of them both able to runne: or els
the rourling amongst them then would be ad magnam terrorem
ferarum, and for that cause the same is forbidden for that Moneth
by the Lawes of the Forrest.

4 Fourthly, It is not lawfull for any Purlien hunter to hunt
in his owne Purlien euery day, nor any oftener than thre dayes
in one weeke, whereof the Sunday must not be any. And the
reason is, because that the wilde beastes in the Forrest may not be
disquieted or put from their foodes and wonten place where they
do best to lye at rest with the noise and feare of their often hunting
in the Parkes. For the foresaid Lawes do prohibite things that
are ad terrorem ferarum, oneis, and for that cause, a man may
not begin a Spill in the Forrest, because the same is ad terrorem
ferarum.

5 Fifthly, It is not lawfull for any Purlien hunter to hunt in
the Parkes with any more company than with his owne ser-
uantes, because that the Lawes of the Forrest doe not allowe of
multitudes of people to assemble themselves together to hunt,
for that is ad terrorem ferarum que sunt infra metas Forestae.
But euery Purlien man that may by the Lawe iustifie to hunt in
his owne Purlien for him self, he may also iustifie for his seruantes

so hunter with Gun nor to hunte and kill his Deer there is a thing
of profit and of pleasure also. And it is to be feared for a learning in our
Laws that he that hath a licence or an interest of profit, he may
willie for himselfe and for his Servantes also. For he that hath
but an interest or a herne of ylle sure onesy, he cannot willie for
his Servantes but for himselfe onely. Note the difference. But he
that may willie for to hunte which his Servantes, he cannot
willie to hunte with everie other person.

Videle case in
13. H. 7. f. 13.
ante pag. 54.

6. Sixty, no manner of person may hunte within the Boundes of
any Forest within the time of foyle dopes next after that the King
hath made any generall hunting in any Forest adjoining to such
Burthens, because in this case the wylde beastes of the Forest doe
not come into Burthens of their owne free will, but they are forced
with strong hand and with the noyse of blowing of hoynes, & with
a multitude of people: So that for feare of being slayne, they are
driven to flye into the Burthens for succor and refuge. And there-
fore the Lawes of the Forest doth give wylde beastes wylle heady
which are in such forste forced to flye into the Burthens for refuge,
a firme peace & safe protection to remaine there during the space of
flawes, without any hunting, chasing, or other harme. In which
time the forste is intended they will returne to the Forest againe, &
therefore they would have liberty. And in certain Charters or grants
of the Burthens, thus the King hath graunt unto such Burthens
holders as were beleaged, that he graunt the King doth have men
of lawe with the wylde forste wylde, of. For liberty for the wylde
beastes of the Forest that are in the Burthens to returne backe
againe to the Forest: as you may perceive by the granting of the
Charter, graunted for the Burthens of the Forest of Woodon.

7. Seventy, it is not lawe for any Burthensman to hunte in
the Burthens, bothesing upon any Forest that is the Kings dole
within the any generall hunting is, after open proclamation
thereof made. For then no person shall hunte within the wylde
of the boyes of the Forest, nor within the Burthens during the
time of lawe unless they be before such generall hunting because then
all that are in the wylde beastes of the Forest will not be any

A a

means

meanes be discovered of their rest, so the intent that the King may take the bewee of them where they doe lie and make their secret abode.

8 The eight is, that no Purleiman may hunt in the Purleius during the tithie that any Keeper of Forest is serving of any Wartane in any walke within the Forest adioyning vpon the Purleius: nor during the time that any Noble man is hunting there, because that such hunters in the Purleius may not disturbe the game in the Forest at such times as they are hunting there, if they haue notice or knowledge of any such hunting or serving of any such Wartane.

9 The ninth, It is to be understood, that as a Purleiu man may hunt & take the wilde beastes of the Forest being in the Purleiu, yet may he not foxellast or foxellet those wilde beasts with dogges, bowes, or any manner of ingyne, to kill them or stop them from their free passage to the Forest again. Neither may any man make any galleries or leaping places out of the Forest into the Purleius where any Beare may easely leape in, but cannot returne backe againe, but they shall be killed there for want of passage.

10 And last of all, it is not lawfull for any Purleiu man to kill or hunt any unreasonable Beare in the Purleius, as a Buck in Winter, or a Doe in Summer: for such wilde beastes when they are out of Season, they are not meete for any mans rate, for their flesh is not good nor sallow, and then they doe so mope that they cannot runne nor make any tuffe to escape from a dogge, wherefore the Lawe of the Forest doth prohibit the killing or hunting of them in the Purleius or else where, during the time of their unreasonableities.

But now let vs see by the Lawes of the Forest, how such Purleiu hunters as do hunt in the Purleiu contrary to the Lawes are to be punished. And therefore it is to be understood that all such offences in the Purleius are to be presented at the next Swainsmote, and to be done from the Swainsmote to the next Justice seat of the Forest, as other trespasses of the Forest be. And then these such hunters in the Purleius are to be fined at the discretion

The punishment for unlawful hunters in the Purleius.

of the Lord chiefe Justice in Eyre of the Forest, and impleased
and bounde to the good behaviour of the Forest: which band both
extend to all manner of unlawfull hunting in the Purleues, for
unlawfull hunting in the Purleues is a breach of the lawes of the
Forest, and so a breach of the good behaviour of the Forest.

And here it is to be noted, that the Purleues are Purleues but
only quoad, to those that are sufficient Purleu men, & the same
Purleues doe remaine Forest still quoad, to those that are not
sufficient Purleu men by the Lawe.

But all Purleu hunters as well those that are sufficient Purleu
men, as those that are not, must understand this: That the lands of
Queenes Pauntries whersoever they are, they shal not be accounted
Purleues, nor of the nature of Purleues, although that such lands
do lye without the boundes of the Forest & within the Purleues:
yet for as much as those landes are the Queenes Pauntries owne
landes they shalbe accounted of the nature of a free chace which is
a privileged place for wilde beastes: and therefore no Purleu man
nor other may hunte in her Pauntries owne landes: (without
warrant) by any colour of the Purleues or otherwise. And now may
perceiue by the 1. and 2. branch of the Statute of Charta de Fo-
resta, that amongst all such landes as were by the same Charter
appoynted to be disforested, the landes of the King are alwaies
referred to be Forest still.

And also by the Statute made in
Anno 23. of Edward. 1. Statute 4. called the Statute of the
Purleues: By which Statute the King doeth graunt that
forthwith the Purleues shall be made in curie shire: not the
King by that Statute, willeth and appoynteth that all his demes-
ne landes whersoever they be that hath bease of the Crown, be-
ing returned by way of escheat or otherwise, shal have chase of free
chafe and free warren: and in such manner shalbe saued and have
to his use, for all manner of beastes, so that although the landes
of the Kings do lye amongst the landes of other men in the Pur-
leues, yet the same is not Purleu: neither may any man hunte or
chafe the wilde beastes there, because the same is the Queens
Pauntries Free chafe, for as much as the same is her Pauntries

Charta de Fo-
resta, artic. 1.3.
33. E. 1. stat. 5.

Stone hemme lawes.

Haker, fo. 12.

Charta de Fo-
resta, artic. 3

Charta de Fo-
resta, artic. 1.

Charta de Fo-
resta, artic. 1.

But it seemeth by the opinion of Maister Hekker and others, that there is upon this branch of the Statute of Charta de foresta, that the disafforesting of such landes as were afforested by King Richard or King John, wherof the letter speaketh in the 3rd Article of Charta de foresta, hath greatly differed the disafforesting of such landes as were afforested by H. 2. mentioned & declared in the first Article of Charta de foresta: For of all such landes as were afforested by King Richard or King John, mentioned & declared there in the third Article of Charta de foresta to be disafforested againe: every man shall have the advantage thereof, as well he that had not the land nor any interest in the landes or woodes at the time when the same was afforested, as he that had the lande by Cusodes at the time of the afforesting of the same or before.

But of such landes as were afforested by King Henry 2. and are here appointed to be disafforested againe by the letter of the Statute of Charta de Foresta Article 1. it is otherwise: for although that the same King Henry 2. had afforested the landes of any other man in right or in possession, the same land shalbe disafforested, but only against him whose land the same then was, and not against any other person that hath no title or right to the same lande. And Maister Hekker affirmeth that thereupon the same to take the name of Purmoi: Because that such land is not disafforested generally for every man, but only pur lui, that is to say, for him: and therefore the same is called Purmoi. Now the difference hereof. And this much concerning Purmoi or Puraleys.

The words of the Statute of Charta de Foresta, articulo 5. are further as followeth, viz. Regardores nostri came per Forestam ad faciem dum regnum, sicut fieri consuevit tempore prime coronationis Regis H. qui noster nonnulli erant.

Now it is to be leene what a Regardor is: Now a Regardor is made: and what his office is. And therefore first of all, it is to be understoode that A Regardor is an Officer of the Kings Forest: that is sworne to make the regard of the Forest as the same regard hath been used to be made in the same time. And also

to viewe and inquite of all offenses of the Forest, aswell of Vert as of Venison, and of all concealments of any offenses or defaults of the Foresters, and of all other officers of the Kings Forest, concerning the execution of their offices. And this is the definition of a Regarder of the Forest.

The definition
of a Regarder.

Now it is to be seen how a Regarder of the Forest is made.

And so, that it is to be understood that a Regarder of the Forest may be made by the King himselfe by his letters Patents, or by any one of the Kings Justices of the Forest at his discretion in the generall Wyse of the Forest: by act such time as the regarde of the Forest is to be made by vertue of the Kings writ, which shall be directed to the Shiriffe of the same Countie, commaunding him to summon the whole regarde of the Forest, and to make the regard of the Forest as they have bene accustomed to do. And then if any of the Regarders of the same Forest be sicke or dead, so that because there are not the whole number of twaine Regarders, the regard cannot be made, that then the same Shiriffe shall choose other Regarders that are meet men to serve in their places by vertue of the same writ in his full Countie: the Tenor of which writ, is as followeth: Elizabetha Dei gratia Anglie, Francie Schibernie Regina fidei defensor &c. Vic. Essex.

How a Regar-
der is made.

salutem. Precipimus tibi quod sine delatione convenire facias omnes Forestarios & Regardatores ad regardum faciendum in Balliva tua ante adventum Iusticiariorum nostrorum de Foresta. Et locis regardatorum qui non fuerint, aut infirmi alios Eligifacias. Ita quod duodecim sint in Foresta & nomina eorum nobiscumantur. Et Forestarii dictos duodecim milites electos ducentur per totam Ballivam suam ad videndum omnes transgressiones que supradictas in Foresta Capitulis que tibi mittimus de quibus non minus pro aliquo re. Et quod dicti milites inter quos deficiendo cogendum sunt soler & debet fieri. Et quod ibi sint sicut Forestarii constituant ad praedictam Forestam vel danielum. Et si Forestarii noluerint vel defecerint eos ducentur vel alii quod possint voluerint Conoscere ipsi milites non committentur propter illud quod in Foresta illud videntur. & ambrosius

The writ to
the Shiriffe.

Note that the
Regarder is to
be sworn.

ari facias. Et hoc pro nullare dimittant. Et quod regardi illud fiat contra tale festum, Teste, &c.

And it is to be understood, that in times past, when the Forest Lawes were carefulli put in execution: then the generall Sessions of the Forest called the *Serjeant of the Lord Justice in Eyre* of the Forest was holden and kept every thirde yeare. And also every thirde yeare, the *Regarders* of the Forest did make their regard of the Forest. And now at this daye, alwaies before that the *Lord Justice in Eyre* of the Forest do holde his generall Sessions of the Forest, he doth cause the write aforesaid to be made and sent to the *Sheriffe* of the same shire where the Forest is, in the which the *Justice* Sent for the Forest shalbe kept together with a briefe remembrance or abstract of all such matters as the *Regarders* of the Forest shall enquire of. By vertue of which write the same *Sheriffe* doth cause all the *Foresters* of the same Forest, and also all the *Regarders* to meete together at a certain day and place which the *Sheriffe* shall unto them assigne for that purpose, at which day and place so appointed by the same *Sheriffe*, upon the apparance of the said *Foresters* and *Regarders*, the *Sheriffe* doth declare unto them the Tenor of his write; and also doth give unto them a charge, to inquire of all such matters as are contained in the said Abstract. At which time of apparance, if any of the said *Regarders* be dead or sicke, so that there be not the full number of twelve *Regarders*, to make the regard of the Forest. Then the said *Sheriffe* shall according to his said write in his last Countie of the shire, choole other *Regarders*, and cause them to serve in their places, and so make up the number of twelve *Regarders*: and in such sort *Regarders* are made. And also it appeared by the Statute of *Ordinatio Foresterie* made in Anno. 3. Ric. I. hic ante fol. 26. & 39. That if any of the *Foresters*, *Regarders*, or any other minister or officer of the Forest be dead, or by sickness, or any other meanes, they be let or hindered, so that they cannot be at the court of *Swanmote*: And because that the absence of such officers or ministers should not be any hinderance of the proceeding of the court of *Swanmote*, then the *Lord Justice*

Justice

Justice of the Forrest, or his Lieutenant, incontinently shall choose and appoint other Regarders in their places, so that all the Indictments in the Swanemote may be made and done by all the officers of the Forrest, according to the order set downe & appointed by the said Statute called Ordinario Forestarum. And such electing and appointing of Regarders at the Swanemote is done but as it were of necessity to make up the full number of twelue Regarders to serve for the place at that time. And such Regarders as be dead and others chosen in such manner by the Lord chiefe Justice in Eyre of the Forrest or his Lieutenant in their places, then they shall remaine Regarders still. But the Regarders that are chosen and appointed, as aforesaid, to serve in the places of others that then were sick or absent upon some especiall busines: such Regarders are not Regarders Nisi pro hac vice tantum, as it doth appeare by H. Heket, fo. 24. b. For (saith he) they are officers but to serve the Count for that time onely.

H. Heket, fo. 24.

I do finde by the Lawes and customes of the Forrest, that there may be thre sort of Regarders of the Forrest, which are as followeth. First, there is one sort of Regarders made by the King him selfe by his letters Patents, to whom the King doth graunt the said office for termes fixt or a litle; sometimes to him and to his heires, to be one of the Kings Regarders of such a Forrest. And secondly, there is another sort of Regarders that are made by the Lord chiefe Justice in Eyre of the Forrest, or by the Kings writ to be Shireffe, as hath bene shewen already before. And such Regarders are officers of the Forrest but durante bene placitis, that is to say, during the Kings pleasure: and thirdly, there is another sort of Regarders that are made Regarders for the present service of the Count of Swanemote, or to serve at some other time in the absence of some of the Regarders that are otherwise not able to serve at that time: and such Regarders are officers Nisi pro hac vice tantum. And thus much concerning Regarders, and how they are made a Regarder of

And

that in the time of King H. 2. there were no Regarders left in any Forest, and then the Foresters & Woodmen did take no good regard to the Forestes, and most especially the woodmen, whereby the Kings woods were greatly destroyed, which was an especial cause of the decay of Wenison. And because that the said King H. 2. would haue his Forestes the better kept and looked vnto, he did ordaine that certaine Regarders should be appointed in euery Forest throughout his whole Realme, for to suruey the Forests as it doth appeare by the Assises of the Forest made in his time: where he doth say as followeth, Item Dominus Rex precipie quod in quolibet Comitatu in quo habet venationem ponantur duodecim milites ad custodiendum Venationem suam & viridem in Foresta: Et quatuor milites ponantur ad agistandū boscos suos. And these Knights for the time that they are officers of the Forest they are called Regardors, taking the name of Regardors of the effect of their office, because they do, as it were agere curam, custodiendi viridis & veneris, that is: that they must alwaies regarde the safe keeping & preseruing of the Kings Vert and Wenison in his Forest. And so it seemeth that at that time no man was called to the place of a Regarder but hee that was a Knight. But now at this day, other good and fatfull men which are not Knights are chosen to be Regarders of the Kings Forest, which officer of a Regarder, is an officer of the Forest appointed by the King to see the preservation of Vert and Wenison in the Kings Forest, and also to suruey all other officers of the Forest. And also it appeareth by the Assises of the Forest domini Wilhelmi Veysey made in the fifteenth yeare of the raigne of King Edward the first, that it was established there as a lawe, that there should not be any more than 12. Regarders in a Forest where he doth say, Quia Euedenter constat Iusticiario Iteneri suo quod tam magna oneratio regardatorum est in Foresta prædicta quod non est sustinendum propter magnum domini Regis dampnum. Prouisum est quod de cetero in Foresta non sint nisi tantum dicti duodecim regardatores. Et quod illi Regardatores faciant regardum per totam Forestam quoties

Assisa Forestæ
H. 2.

Assisa domini
Wilhelmi
Veysey, anno
15. E. 1.

Assisa Forestarū voluerit, &c.

And it is to be noted, that in euery Forest of the Kings, or in the greatest part of them, there are certaine woods that are the Kings owne brimeare woods belonging to the Crowne, and the King hath the regarde of all the woods and waste grounds and other lands which are afforested and within the boundes and limites of the Forest, as well those that are not the Kings owne woods, as those that are the Kings owne woods. And sometimes it falleth out, that there are some woods that be within the boundes and limits of the Forest, and yet they are no parte of the Forest, as in times past Mallwood in Essex was: for the same was within the Forest of Malcham, and yet not any part of the Forest, nor within the regard of the Forest. But all such woods & lands as are parrell of the Forest: the same is within the regard. And all such lands as are within the boundes of the Forest, and yet not any parte of the Forest, the same is out of the regarde of the Forest: and this is the meaning of the Assises of the Forest; Articulo 3. and 4. where the words are, Si quis inuenius fuerit extra dominicū in boscum infra rewardum, &c. and so note the difference infra rewardum Forestarū, and extra rewardum Forestarū.

The difference,
Infra rewardū,
& Extra rewardum.

And it is also to be noted, that in the making of the regard of the Forest, there are diuers officers besides the Regarders to be employed: as the Foresters, woodwards, & other persons which be owners of the woods and lands within the same regard of the Forest. And if any man haue a regard within the Kings Forest, belonging to him of inheritance, and hath there of certaine Foresters of fee belonging to the same: then in that case the Foresters and Regarders of any other regard cannot enter in there to do any thing, because that the same is out of their charge, and within the charge of others. But yet nevertheless, in that case the chiefe Warden of the Forest together with the Foresters and Regarders, may go thether to suruey the same, and to make the regard of the same, as it doth appeare by the Assises of the Forest, where he doth say, Quod omnes illi qui habent boscos infra metas Forestarū ponant idontos Forestarios in boscis eorum de quibus &c.

Assisa Forestarū
H.2.

Whereby

Whereby it appeareth that the Foresters of the King may lawfully surrey all other Foresters; And so it is of the Regarders of the King: for they shall surrey all other Regarders being within the boundes and limits of the Kings Forest, although that there be some particulars of officers for that place. And note that no man may haue Regarders for any Forest but the King only, (except it be by the especiall graunt of the King:) Neither may any man take vpon him the office of a Regarder of the Kings Forest, but he that hath lawfull title to the same.

vide Treherne
in his reading,
fo. 17

Now it is necessarie to see what is the office and duetie of a Regarder, and how he ought to behaue himselfe in the execution of his office: and therefore it is to be noted that the wordes of the Statute are further; *Eant per Forestam ad faciendum regardum, &c.* And also it appeareth by the assises of the Forest, that the regard of the Forest ought to be made by the Regarders, Foresters and Woodwards, where he hath saie, Milites, Forestarii et woodwardi debent intente inquirere in itipere suo quis habuerit aliquod ingenium ad malefaciendum domino regi in feris suis. And such Knights or Regarders were ordained at the first to controll the other officers of the Forest as is aforesaid.

The office of a
Regarder.

Assisa Forestæ
H. 2.

Also the Regarders of the Forest shall see and inquire if any Surcharge of the Forest be made by the Foresters of the Forest, and they shall assigne an appoynted man for every such charge in the Forest as they shall thinke mete and convenient to keepe the Forest.

Also the Regarders must goe thorow the whole Forest every third yeare to make their Regard, and to see and inquire of all the offences of the Forest in Vert or Venison, or of all concealmentes of such offences by any officer of the Forest; which Regard was called *Ystracionemorum*. Also the Regarders shall goe thorow all the Forest with the foresters and Woodwards, to suruey all the wastes, waldes and purpethures of the Forest, and al other defaultes that haue bene made, and atwelfe boles that bene ancient allures, waldes or purpethures, as those that haue bene made since the last Regard, and to take then up the number of acars: And also to inquire

quire who hath made any such assarts, waxes or purprestures, or any other such defaults: and who doth holde the lande where any such trespasses of the Forest were made or done. And if such land be sowed with coine, then whose coine the same is, and howe often the same hath bene sowed so with coine since that any such assarts, wax or purpresture hath bene made in the same. And also how much the same is worth to be soide. And in whose fee the same is. And to what towne the same doth belong. And the said Regarders shall write the auncient assarts, waxes and purprestures, and such other defaults in a roll by themselves. And all such as haue bene newly made since the last regarde of the Forest was made, they shall write them in another roll by themselves. And if the Foresters wende goe with the saide Regardors, noz leade them to the same place where such defaults are: then the Regardors may goe thether themselves and there view & inquire of such defaults and all other that they can learne of.

Also the Regarders of the Forest shall suruey all the old purprestures and new that haue bene made within the Forest, and valewe them severally by themselves, and to see whome the same in the rolls of the Forest. And in what place the same purpresture is so made, wheresoeuer it be: As in Woodes, Playnes, Heathes, Waters, or in land, Stranges, Hedges or Ditches, or in any other place of the Forest. And all such defaults shall be written in a roll by themselves.

Also the said Regarders of the Forest shall suruey all the woods of the Forest that are wasted, as well those that are auncient, as those that are newe, which haue bene made since the Seconde yeare of King Edward the first.

Also the Regarders of the Kings Forest, shall see and viewe all the Kings demesne landes and Woodes: And also all manner of Trees that haue bene felled or cut downe within any of the Kings demesne landes or Woodes: as the felling of Oakes or any other great timber since the last regarde. And upon such inquiry and view thereof made, they shall certifye the number of such Trees, the damage and hurt that the same is to the Kings woods.

of landes. And in like manner they shall do of all manner of loy-
ping of Trees and destruction of any underwoodes.

Also the Regarders shall suruey and betwe all the Kinges de-
meine hedges, for the fencing in of his landes and woodes: And
whether they be made or maintained and kept as they ought to
be or not: and if that they be not so maintained and kept, then in
whose default the same is that they be not so kept as they ought
to be, and what damage to the king the same is that the same is
not fenced: and whether by reason that the same land of woode is
not fenced as it should be, the same be suffered to lye open and
made common yea or not.

Also the Regarders of the Kinges Forrest shall see and suruey
at the Pyries of Hawkes in whatsoeuer woodes they be: and who
doth take them, and who ought by the lawe to haue them. And
they shall thereof make certificat accordingly.

Also the Regarders of the Kinges Forrest shall suruey and see
all the Forges and Hynes, for the finding of any kind of metall, in
what see soeuer they be within the Forrest, or within the Kinges
demeine woodes or landes being within the Forrest or without:
And what rentes and customes they paie for the same, and to
whome. Also they shall see and betw all portes and crakers of the
Sea, where any Shippes or Boates doe or may argue to carpy any
Timber, Wood, or underwoodes out of the Forrest, and who doth
occupie them: And by whom they are brought thither: And in
whose see the same is done.

Also the Regarders of the Forrest shall inquire who hath or doth
keepe any Bowe and Arrowes in their houses, or Croshowes,
Gunnes, Poundes or braches, or any other ingins to hunte or to
destroy the Kinges wild beastes and game of the Forrest with all.

And when the Regarders of the Forrest haue made suruey,
view and inquiry of all such matters as by their othe and office
they ought to doe, as is aforesaide, they shall write the same faire
in a roll, & bring it to the Court of Exchequer, or to the Courte
of Archaementes, where all the officers of the Forrest ought to
assemble themselves together euerie forzie dayes: And all such
matters

matters as are so found by the Regarders in their rauge thorow the forest, the same shall be there affirmed by the saide Regarders by their handes and seales, which Regardors shall also present the same vnder their handes and seales vnto the Lorde Justice in Eyre of the forest, at the next generall Eyre of Sessions of the forest.

The Eyre, generall Sessions of the forest, or Justice Seate, is to be holden and kept euery third yeare, and of necessitie before that any such Sessions of Justice Seate can be holden, the Regardors of the forest must make their regard. And this making of the regard must be done by the Kings writ, as it doth appeare by the writ aforesaid: Whereby it is to be noted, that the Forestiers, and Regarders cannot make the regard of the forest of their own authoritie, without the Kings writ for the same purpose. The wordes of the Statute are:

Regardatores nostri eant per Forestam:

That is to saie, the Kinges Regarders must goe thorow the whole forest of the King. Whereby it is especially to be noted that the Regarders may not doe or certifie any thing concerning their office, but that they must first vew the same: & for that cause the wordes are eant per Forestam, that is, that they must rauge ouer all the forest, & through euerie bailiwick of the same, to see & inquire of the trespasses and offences of the forest. The wordes of the Statute are further.

Ad faciendum Regardum.

Here in these wordes is most playnely shewed the cause why the saide Regarders must goe through the forest of the King, which is ad faciendum Regardum, to make their Regard: for in these wordes ad faciendum regardum, is comprehended the whole office of a Regarder, which doth consist in these foure things, that is to saie:

Ad videndum.

Ad inquirendum.

Ad imbreuiandum.

Ad certificandum.

1 And

1 And now as concerning the first of them, which is ad Videndum, to see the offences and trespasses of the Forest: and to see what officers of the Forest haue executed and done their office as they ought to doe: It is to be noted that the Regarders of the Forest ought not to certifie any thing but vpon their view, as it shall appeare hereafter in the fourth point, which is to certifie.

2 The second is, ad Inquirendum, to enquire. So that the Regarders ought to range throughout all the Forest: not onely to see and view all the trespasses and defaults of the Forest, but they ought also to inquire out the certaintie of euery such trespass and to learne the trueth of all such matters as shalbe deliuered them in charge, as is aforesaid.

3 The third point is, Imbreuiare, which is, to inroll their view and inquisition that they haue made: So that after they haue gone throughout all the Forest, and haue viewed the trespasses and defaults of the forest, and that they haue learned and inquired out the trueth of them in euery thing according to their charge giuen them, as is aforesaid: Then they must inroll the same, that is, they must cause all those defaults that they do fynde in their range thorough the forest to be faire written in a Parchment Roll, in which inrolling, they must obserue these four things, that is to saue:

1 What the offence is.

2 When the same was done.

3 Where the same was done.

4 Who did the offence.

The fourth point is, ad Certificandum, which is, to certifie that which they haue done: So that when they haue gone thorough out all the forest, and haue made their viewe and Inquirie of all the defaults of the forest, and that they haue also inrolled them in their roll: yet there can be no execution nor punishment done to the offenders or doers of those trespasses vntill such time that the same Regarders haue made certifiat thereof vnto the Lord chiefe Justice in Eyre of the forest at the Justice Seat. And yet before that they do make such Certificate to the Lord chiefe Justice

Ordinatio Fo-
restæ. 34. Ed. 1.

Justice in Eyre of the forest of their inquisition, they must present the same inquisition at the Swanimote before the other officers of the forest, to the intent that the offenders thereof may be there indicted of the same offences according to the ordinance of the forest made in 34 E. 1. For otherwise, if the same be certified to the lord Justice in Eyre before that the offenders be thereof indicted at the next Swanimote, then the offenders may traueurs the same presentment or Certificat, because that the same is not Presentatum per Forestarios & duodecim Iuratores & convictum per Viridarios, &c.

But now it is necessarie here in this place to speake something concerning the manner of the same Certificat. And therefore first of all it is to be understood that in this Certificat there are two things most especially to be obserued, that is to saye:

The number of the Regarders that must certifie the same.

And that they do Certifie the same vpon their view: and not otherwise.

Assisa Forestæ
H. 2.

It hath beene shewed already before: that by the Lawes and Assises of the Forest, made in the time of King H. 2. that of necessity there must be twelue Regarders in euery forest. And it doth also appeare by the writ aforesaid, that if any of those twelue Regarders be dead or sick, there must be others chosen in their places to serue: So that of necessity there must be the whole number of twelue Regarders in euery Forest, or else they cannot make the Regard of the forest, nor make any certificat therof. For if the certificat of their inquisition bee made by 11. of the Regarders of the forest: then that certificat is not a sufficient certificat to charge any offender to answer thereunto, for as much as it doth appeare by matter of recorde, that the same certificat was not made by all the Regarders of the forest: for it must be intended that there be alwaies 12. Regarders, and the certificat of their inquisition must be made by all the Regarders, that is to saye, by 12. Regarders. And this much concerning the number of the Regarders that must certifie.

Vide master
Hesket in his
binding, fo. 25.

Nowe concerning the certifying of their inquisition vpon their
owne

alone view. It is to be understood, that if it do not appeare in their
 Certificat before the Lord chiefe Justice of the Forrest, that the Re-
 gardors did raunge and goe thorow all the Forrest, to see and bewe
 the Forrest, and the offences and trespasses of the Forrest, which
 they do certifie: Then that Certificat of presentment, although that
 they as Regarders of the Forrest doe certifie their presentment of
 an offence of the Forrest within their charge: yet that Certificat is
 not good, neither shall the offender or doer of such a trespassse bee
 impeched upon that presentment, but the Regarders shall be a-
 merced for their insufficient Certificat. For in this case their certi-
 ficat is like to the return of the Shirisfe in an Action of wast, where
 the Shirisfe doth leaue out of his retorne (these wordes:) *Accessi
 ad locum vastatum, vt patet in An. 34. H. 6.* And also it is like to
 the presentment of the Coroner that doth not make mention that
 the inquisition of the Coroner was taken super visum corporis.
 But if in the Certificat of the Regarders mention be made of
 their perambulation thorough the Forrest, and bewe of the trespas-
 ses that they do present or certifie: whereas in the verie truth they
 did not perambulat nor bewe the same: yet that presentment and
 Certificat of any such offences as they shall so certifie is good and
 sufficient in law. For a man cannot by the law trauers the retorne
 or Certificat of an officer that is sworn. But here it doth appeare
 that the office and dutie of a Regarder is, to goe and bewe the of-
 fences and trespasses of the Forrest: and they must also certifie
 their bewe: and it is not sufficient for one or two of them to bewe
 the same, but they must all bewe the Forrest, and the offences or
 trespasses that are done in the Forrest: euen so they must all certifie
 the same as their verdict or presentment. For as a Iurie at the
 common lawe, if 11. of them be agreed of their verdict, and they
 doe giue a verdict, and one of them will not agree to it: then their
 verdict is no verdict at all in Lawe. So it is, if 11. of the Re-
 garders do certifie, and the twelfth wil not certifie: the Certificat
 of the other 11. is hoide and no Certificat at all: for as much as it
 doth appeare by matter of Record, that their Certificat was not
 made by all the Regarders, as by law it ought to be. And thus

Master Heskat
 fo 251

Vide the case
 34. H. 6.

much concerning the Seconde, poynt th: the Regarders must make mention in their Certificat, that the same was made and done upon their owne bew, that is, upon all their bewes: So that now we you see that by the letter of the Statute in these wordes: *Regardatores nostri cant per Forestam*: It is ordained and appoynted that the Regarders shall goe throughout all the Forrest: and then afterwarde in these wordes: *Ad faciendum Regardum*: It is shewed and declared to what end, or for what cause they ought to goe through the Forrest: which is, to make the regarde of the Forrest. And afterwarde the letter is further: *Sic fieri consuevit tempore primæ Coronationis Regis H. aui nostri* & non aliter: In which wordes it is playnly set downe and declared vnto vs, how and in what manner the Regarders shall make their regarde of the Forrest, which is according to the assises and customes of the Forrest vsed in the time of King Henry the Second: so that this braunch of the saide Statute doth not herby ordayne or appoynt any new thing that was not before. But this braunch is made for an affirmation of the lawe and vslage of the Forrest that was vsed in the time of King H. 2. Now therefore it is necessarie here in this place to shew how and in what manner the lawe and vslage of the Forrest was at that time vsed in making of the regarde of the Forrest. For the declaration whereof, it is to be vnderstood, that the inquirie and presentment of all the Articles aforesaid, which are to be inquired of by the Regarders of the Forrest, the same shall be enquired of as they were wont to be enquired of, at the time of the Coronation of King H. 2. and that is euery third yeare, as it doth appeare in the Assises of King H. 2. and then the same regarde is to be made but onely within the boundes of the Forrest: for the saide Regarders ought not to enquire nor to present any thing that is made or done out of the boundes of the Forrest, nor yet out of the p̄tinct of the regarde within the Forrest, as it doth appeare in the same Assises of H. 2. Cap. 10. and 17. For it is there witten, that those that haue Woodes out of the regarde of the Forrest, where the wilde beastes of the King haue their haunt, peace or rest: Or any other man that hath landes or woodes

Assisa Forestæ
H. 2. C. 10.
& 17.

Woodes within the Forrest, and hath also this Priviledge, that those landes and woodes shalbe out of the regarde of the Forrest: and that the same shall not be impeched for any cause: yet in that case he or they that haue such a Priviledge, ought to haue a woodwarde there to keepe his woodes, which woodwarde must also be swoyne to the assises of the Forrest, that is, for the preservation of Vert and Venison, as it doth appeare by the same assises of H. 2. And if the Regarders doe enquire or make any presentment of any thing that is done in any such place Priviledged, as is aforesaide: then that presentment may be auoyded by the plea of the partie, by pleading of that matter: For the partie shall neuer bee punished vpon such a presentment if the verie truerth of the matter doe appeare of recorde vnto the high Court of the Lord Iustice in Eyre of the Forrest.

Assisa Forestæ
H. 2. Vide
Master Hesketh
fo. 26.

And the same lawe is also, if the Regarders of the Forrest will make presentment of any Article that is not specified in dictis capitulis de regardo fiendis (which is alwaies sent to the Shirisse, together with the writ, when the regarde is to be made as aforesaide,) as if they do present, that John Astyle hath agisted his woodes or his demesne landes, before that the demesne hedgerowes of the King within the Forrest be agisted: or that he hath taken any pannage contrarie to the assises of the Forrest: then that presentment is voyd without any plea, if that it doe appeare vnto the Court by matter of record comprised within the same presentment, that the thing of the which they haue made their presentment is not any matter whereof they had charge giuen them to enquire of, or to present.

And if the regard of the Forrest, be made by the Regarders that are elected by writ, and yet they haue not any writ to make their regarde when they do make the same, but they doe make their regard of the Forrest of themselves voluntarily, within the tyme of thre yeares, that is to saie, euerie yeare: that regard, and also the presentmentes made by the same regarde against any person afe also boide: and the partie against whom any such presentment is made, may discharge himselfe of that presentment by plea.

Presentment
per le Regard
sans authorrie
est void.

But such a presentment and inquirie made by the Regarders which were once elected and chosen, although that they doe make their regarde euerie fourth yeare or euerie fifth yeare, it is good & sufficient in lawe, and the same shall binde the partie to the punishment, notwithstanding that euerie such presentment and regarde by them made, was not by a commaundement directed to the Sheriffe as aforesaide: For when the Regarders are once elected by writt and Sworne, then they may hold their regard according to the assises of the Forest, that is to saie, euerie third yeare ex officio, without any new writ, precept, or commaundement. But if any of them be dead, so that there are not the whole number of 12. Regarders liuing, then they ought to haue a writt as is aforesaid, to cause newe Regarders in their places, to make byp the full number of 12. Regarders againe, befoze that they can make their regarde of the Forest. And so in like manner it is if the King by his letters patens doe make one or moze Regardors to fill by the number of 12. Regarders againe, they cannot ex officio, make the regarde of the Forest without such a writt vt supra, directed to the Sheriffe: for the Sheriffe by the authoritie of that writte, must sweare the Regarders, as is aforesaide: and they cannot by the lawe make the regarde of the Forest befoze that they be sworne: for if they doe, then their proceeding therein is voyde, quod nota.

Les Regarders
ne point faire
leur regard
del Forest si
non que ils
soint lurs.

Carta de Fo-
resta, cap. 6.

The letter is further in the 6. byanch of the said Statute as followeth, viz, Inquisitio vel visus expeditatione canum existentium in Foresta nostra de cetero fiat quando fieri debet regardum, scilicet de tercio anno in tertium annum: By which words of the said Statute, there are two things especially to be noted: First, that the regard of the Forest ought to be made euerie thirde yeare. Secondly, the time when all the Dogges in the Forest ought to be viewed whether that they be expeditated or not: and then all the Dogges that are found to be vnexpeditated, they must be expeditated according to this law. And this is also to be done euerie thirde yeare, when the Regarders do make their regard of the Forest.

And then the letter is further as followeth, Et tunc fiat per visum

visum & testimonium legalium hominum, et non aliter. In these words of the said Statute it is plainly set downe, how the expeditating of Dogges within the Forest shalbe made, which is by the view and testimonie of good and lawfull men: So that it doth hereby appeare, that befoze there can be any expeditating of dogges within the Forest, there must be an inquisition and view taken throughout all the Forest by the Regarders of the same Forest, to the ende that thereby it may first appeare by matter of Record to the Court, what manner of Dogges they are that are unexpeditated within the Forest. For some Dogges are not to be expeditated, as Greyhounds and such like: for they may not be kept within the Forest although that they were expeditated: for no Dogges shalbe expeditated but onely the Pastife or the Hungrell of the Pastifes kynde: and of such kinde of Dogges it is that the Statute doth meane. And also who is the proper owner of such Dogges as are so remaining within the Forest unexpeditated, to the ende that they onely who are the proper owners of such Dogges, may be compelled to paye the fyne for the same offence. And then when the same Regarders haue taken such view and inquisition of such Dogges, as is aforesaide, the same must be certified and returned by the certificat and presentment of the said Regarders of the Forest. And this is the meaning of these wordes, Per visum & testimonium legalium hominum; And in this sort the expeditating of Dogges must be made. And if it be made otherwise, then the same is void by those wordes et non aliter. Maister Hesket in his reading of the lawes of the Forest vpon the words aforesaid, saith as followeth. It appeareth, saith he, by the letter of the Statute aforesaid, that the inquirie and view of the expeditating of dogges shalbe made when the regard is made by the same Regarders as one Article and parcell of their charge: and that deeth appeare to be euery thirde yeare: And that then the same shalbe done by the view and testimonie of good and lawfull men, and that is, saith he, by the view and testimonie of the same Regarders. And he saith further, that befoze the making of that Charter of the liberties of

The Regard
of the Forest
ought to be
made euery
third yeare.

the Forest, the law of the Forest was, that expeditating of Dogges should be made wherefoever the wilde Beastes of the King haue their peace and rest, and haue vsed to haue their peace and rest, as it doth appeare in the Assises of the Forest, made in the time of H. 2. Cap. 11. But saith he, the certaintie of the expeditating of Dogges was not knowen nor expressest vntill that this Charter of the Liberties of the Forest was made, which now doth declare and expresse the certaintie of five things that were not certaine before, that is to saie: How the same shalbe done. At what time the same shalbe done. In what manner the same shalbe done. Who shall do it. And the certaintie of the fyne or amerement of the offender.

Five things
are put in cer-
tainie by the
Statute.

And it is to be vnderstood, that although the expeditating of Dogges be one of the Articles of the Charter De Regardofiendo, as it doth appeare there, Cap. 13. Yet the letter of this Statute here hath not now made the lawe so strait that of necessity the inquirie of the expeditating of Dogges must be made in the Court of the Regard onely, and not otherwise. For it dooth appeare that the Iustices of the Forest in their generall Sessions may inquirre and determine that matter also. And so likewise the expeditating of Dogges may be inquired and determined at the Courts of the Forest called the Swanimotes, as it doth appeare by the charge of the Courtes: But that is onely by the presentment of an Inquest, and then that presentment must be affirmed by the Foresters, Regarders, and all other officers and ministers of the Forest before the Iustices of the Forest, the expeditating of Dogges shalbe inquired onely by a Iurie or Enquest. And in that Court of Regard it shall not be onely inquired, of the expeditating of Dogges by the Regarders: But they onely ought to haue the view of that matter when that they do make their Regarde vpon the said view and perambulation, or otherwise, the same is a boide inquirie and presentment by them vpon those wordes aforesaid, Et non aliter, Which words shall haue relation to that intent onely, and not to the time, nor to the Court where the Articles shalbe enquired. For that presentment of the Regarders

garders shalbe made vpon the view of the Dogges only, euen as
 the presentment of the Coxoner shalbe made *super visum cor-*
poris, although that the letter of the same Statut be in the Dis-
 junctiue *Inquisitio vel visus*. For this is helde for a learning in
 the Lawes of the Forest: that nothing is lawfully presented by
 the Regarders of the Forest, if it do not appeare by matter of re-
 corde that they had the view of the same in their perambulation.
 And Maister Hesketh noteth further, that by the letter of the saide
 Statute, there is full authoritie and power giuen to the Regar-
 ders to inquire and determine that Article for and concerning the
 hameling of Dogges. For befoze the making of this Charter of
 the Liberties of the forest: The Regarders did not meddle in
 this Article, but onely with Wastes, Marts, purprestures, and
 such like within their regard onely, as it doth appeare in the As-
 sises of the forest of W. 2. Cap. 10. And now by the letter of the
 Charter of the forest aforesaid, the Lawe is enlarged greatly tou-
 ching this Article, moze than it is concerning any other Article
 of the Regard of the forest. For the Regarders cannot procede
 any further in any other Article of the Regard in their charge, but
 onely to view and inquire of them, and then to inroll their pre-
 sentments: and then when they haue so done, they must also cer-
 tifye that presentment befoze the Iustices of the forest, at their
 comming into the forest, when they do holde the generall Sessi-
 ons of the forest, and then there the offences that they haue pre-
 sented shalbe determined. And befoze that time nothing shalbe
 done by Proces or otherwise: But all the presentments shall lye
 dead untill then. But otherwise it is of that Article of Expedita-
 ting of Dogges: for that the Regarders haue authoritie to heare
 and determine the fyne or amercement for that matter onely, be-
 cause that the fyne is alreadye by the saide Charter set down and
 made certaine. The wordes of the Statut are further as follow-
 eth, *Et ille cuius canis inuentus fuerit tunc non expeditatus dee-*
pro misericordia tres solidos. By these wordes of the Charter
 aforesaid, here are two things especially to be noted. The first
 is, that it must be found by the inquisition and view of the Re-
 garders

In euery pre-
 sentment of
 the Regarders,
 it ought to ap-
 peare by mat-
 ters of Record
 that they had
 the view.

Master Heskett
fo. 27.

gardeners, what manner of Dogg it is that is vnderpeditated. And who is the owner of the same Dogg, that is by Law to be charged with the fyne of amercement for the same. The second is, that he whose Dogg the same is, shall paye for his amercement 3.s. which is certayne: So that now the certaintie of the fyne of amercement is here specified and declared, and who shall be charged with the same. But (saith Maister Heskett) it is to be understood, that the same 3.s. shall be taken or leuyed vpon the determination of the view and inquirie which shall be done so soone as the regard is made, as is aforesaide, and their view and inquirie certified of recoorde. Then, if in case that the Regarders by their view and presentment do finde and present one Mastiffe within the forest which is not hameled or expeditated according to the Lawes of the forest: And they say further in their presentment, quod ignorant cuius Canis ille est, that is a void presentment, If that there be no other wordes afterwarde to helpe the same: but yet neuerthelesse the same dogg shall be taken and kept by the officers of the forest, or else auoided away cleane from the forest, if no person will claime the same dogg. And if that any person do claime the same dogg by Action of trespassse, or repleu, or otherwise by matter of recoorde, as a man may verie well as it seemeth, and the same Action is tryed and thereby proued to be his Dogg that so did claime him: Then vpon that tryall and vpon the first presentment, the same owner shall be amerced to the King thre shillings, according to the saide Charter of the forest.

And if the Regarders doe finde and present one dogg vt supra, which is the dogg of one John Astile: that is a good indictment: and the saide John Astile cannot disclaime nor saie that the same is not his dogg generally: and the cause is as Maister Heskett & Maister Treherne do thinke by reason of the letter of the Statute, which is, quod ille cuius tunc inuentus fuerit &c. So that if it be there so found by matter of recoorde for the king: then John Astile shall paye his amercement: for he cannot counterplede that poynt generally against the presentment or returne of the officers of the king, that are swoyne.

And

And if a man be indicted that he did keepe one Dogg of one John Astyle within the Forrest not hameled, contrary to the lawes of the Forrest: If before the Iustices of the Forrest he doe plete that the dogg is not his: that is no plee without saying to whome the proprietie of the dogg is, as to John Astyle &c. And if the Iurie do finde that the proprietie of the dogg is not to the said John Astyle, nor yet vnto John Adowne: that is no sufficient verdict, without finding to what other person the proprietie of the dogg was. For in that case it is like to a man that is indicted by the Coroner, *super visum corporis*, and he doth plete not guiltie: and so it is found by the Iury that he is not guiltie: yet that is no sufficient verdict without presenting one other person that did the murder, which presentment shalbe in the nature of an enditement against him: so that if he plete not guiltie, that is no plee, nor yet to finde him not guiltie, is not any verdict against such a presentment *vt supra*.

If the Regarders doe finde and present such a Dogg at the house or in the house of John Adowne within the Forrest: yet that John Adowne shall not bee amerced by reason of such a presentment. But if the Regarders doe find that John Astyle did keepe such a Dogg within the Forrest: that is a good presentment for to charge John Astyle with the amercement of that Statute. But if the Regarders doe finde and present that John Astyle did deliuer one Dogg to John Adowne, to keepe within the Forrest: and that he kept that dogg there: In that case the deliuerer or bayler shalbe charged vpon that presentment and amercement according to the saide Charter, and not the baylee or he to whome the dogg was deliuered.

But if the Regarders doe finde and present that John Astyle did deliuer the saide dogg for a certaine time to keepe vnto John Adowne, which John Adowne did keepe the same dogg within the Forrest not hameled. There both the bayler and the baylee shalbe amerced. But if it be found that the dogg that was so deliuered was a pledge or a mortgage for money *vt supra*: there he to whom the dogg was deliuered onely shalbe charged of the amercement,

and not the baylor.

And if it bee found and presented that John Astyle as a trespasser, vi et armis, did take the dogg of one John Adowne, and did keepe him within the Forest not expeditated: John Adowne the owner shalbe charged of the amercement, & not John Astyle the trespasser. So it is if it be presented that John Astyle vi et armis, doe take the dogg of one John Adowne from him: And he vpon that brought a repleuie, and that John Astyle so kept that dogg within the forest not expeditated: There John Adowne the verie owner of the dogg onely shall be charged of the amercement, and not John Astyle that kept his dogg. Nowe the letter of the Statute is:

De pro misericordia tres solidos,

So that if it be presented and founde that one John Astyle hath 2. doggs within the Forest not expeditated: he shall not be amerced for euerie dogg thre shillings, but onely thre shillings for all the offence. But if two men haue ioyntly or in common one dogg within the Forest not expeditated: There euery one of them shalbe amerced to thre shillings severally.

But otherwise it is if it be founde and presented that the husband and wife haue one dogg, by reason that the wife is executrix to him to whome the dog was belonging: There the husband only shalbe amerced but to thre shillings.

And if it be found by the Regarders of the forest, in their inquisition: that a Duke, an Earle, a Baron, or any other person of the Realme, Spirituall or Tempozall, doe keepe such a dogg within the Forest vnerpeditated: he shall pay but onely the amercement of thre shillings, according to the letter of the Charter of the liberties of the Forest, and not any amercement according to his dignitie and degree as they doe at the common lawe. But if such a great person of dignitie or honoz be presented and indicted for the keeping of such doggs before the Iustices of the Forest: there they shalbe out of the remedy and knowledge of that letter, and then they shalbe amerced for the same by the Iustices of the Forest at their discretion, according to their dignitie and estate

And

And it is to be noted vpon that word *Dec*, that the said amercement of thre shillings shalbe leuied by distresse, presently befoze the comming of the Iustices of the Forest. For in this case the same is like to the amercement of a Leete, as it doth appeare by the rolles & presentmentes of the Regarders in diuers Forestes. And so you may see that this Article for the inquisition and view of expeditating of dogges doth differ from euerie other Article of the regarde: For the Regarders themselves may cesse the fine concerning this Article: And the same fine shalbe leuied presently by the Foresters of the Forest.

So that now you may perceiue by the verie construction of the letter of the Statute aforesaide, that the meaning of these words, *Et ille cuius canis inuentus fuerit tunc non expeditatus dec pro misericordia tres solidos*, is as much as to saie: that hee whose dogg is founde by the inquisition & view of the Regarders, and by their certificat presented to be vnerpeditated, he shal pay 3. s. for a fyne for his dogg: and yet neuerthelesse he must haue his dogg expeditated, if he will keepe his dogg within the Forest.

Now the words are further, *Et de cetero nullus bos capiatur pro expeditatione canum*: By these words it doth appeare, that befoze the making of this Charter of the Liberties of the Forest, it was then an vsuall thing, that for euery default or offence of the Forest, the Foresters would distraine his Dre, which often times was of a great pryce. And sometimes also the same was done of malice and euill will, to bere and trouble the offenders without any iust or lawfull cause. And therefore this Article of the saide Charter hath greatly mittigated that great amercement & vexation, and hath here set downe a reasonable amercement, that is to say, thre shillings: and doth now prohibit that from hencefoorth no Dre shalbe taken for the expeditating of any Dogges.

Then the wordes are further as followeth, *Talis autem expeditio fiat per Alsiam communiter vsitarum videlicet quod tres ortelli abscondantur sine pellota de pede anteriori*: In these words here is set downe and declared what manner of expeditating of Dogges hath bene vsed heretofore by the aunient Als-

les of the Forest, which is, that the three clawes of the forefoote on the right side shalbe cut off by the Skinne. And also here is further added to it a confirmation, that is to saye: that the same manner of expeditating of Dogges shall be still vsed & kept, and no other manner of expeditating of Dogges.

The words are further, Nec expeditentur Canes de cetero nisi in locis ubi consueuerunt Expeditari tempore primæ Coronationis prædicti Regis Henrici aui nostri. The declaration of the meaning of this branch of the Statute doth appeare in the Assises of the Forest of King H. 2. Cap. 11. in which Assises it is declared that hameling or expeditating of Dogges shall be made Vbicunque fera Regis pacem habent vel habere consueuerunt: that is to saye, the expeditating of Dogges shalbe made, where-soeuer the wilde beastes of the King haue a place of firme peace, or haue vsed to haue a place of firme peace. Maister Heskett in his reading of the Lawes of the Forest, saith, that if the King do afforest certain land after the saide Coronation, where the wilde beastes of the King now haue their peace and rest, there shalbe hameling or expeditating of Dogges: and yet such hameling of Dogges was not vsed there at the time of the saide Coronation.

Assisa Forestæ
H. 2.

Maister Heskett
fo. 28.

The same lawe is if a man haue licence to inclose his lande where the wilde beastes of the King onely at the tyme of the Coronation vse to haue their haunte and rest: and he doth inclose the same land with stone walles: so that the wilde beastes cannot haue their haunt there, by reason whereof they do chaunge their haunt and rest; and doe resort to some other place whereas they did not vse at the time of the Coronation: yet there shall be hameling of dogs: Notwithstanding the words of the Statute are as aforesaid. And the like lawe is of the contrarie parte. For if the place where the wilde beastes haue had their haunte and rest at the tyme of the saide Coronation: And where at that time there were hameling and expeditating of Dogges vsed: If afterwarde the same place be disafforested: then after such disafforesting of the same, they shall not be expeditating of dogges any more vsed: notwithstanding that expeditating of dogges was vsed there at the tyme of the

Expeditating
of Dogges.

Hameling of
Dogges.

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the saide Coronation. So it is also if such haunte, and rest of wild beastes and expeditating of doggs were vsed at the tyme of the saide Coronation, by vsage, by matter in fait in the countrey: and not by matter of recoorde, as by presentment, or by amercement for such offences, there if the haunte and rest of the wilde beastes be chaunged from thence to another place, then at this day there shall not be any hameling of doggs in that place, where in deede the same was vsed at the tyme of the saide Coronation: for that, that no vsage, was of that there after the tyme of memorie, and the vsage before is but matter in fait, which cannot be tryed nor lye in notice, or vse, now at this daie.

Expeditating
by matter in
Fait.

The same law is if the king do graunt to John Astile a franche Chase throught out all his landes within the Forest of the King, and within those landes the wilde beastes haue vsed to haue their haunt and rest vpon that lande, and before that graunt in tyme, there was alwaies hameling of doggs vsed: Yet now in this place the doggs of John Astile the grauntée of the king shall not be hameled, although the contrarie were vsed at the time of the Coronation.

The same lawe shalbe where the king doth graunte licence to John Astile to make a Parke, & to imparke certaine of his lands within the Forest, and he shall haue the Priuiledge of a Parke and Saltarie there, and he doth make the same Parke and Saltarie, accordyng to his graunt: in which place before that tyme expeditating or hameling of doggs was vsed vt supra: there his doggs within the Parke shall not be hameled: but in neither of these two last cases the doggs of any other person, be it his Seruant or other straunger, they ought to be hameled within that Parke or Close. And this much concerning hameling of doggs.

It may peradventure here be demaunded what doggs shall be expeditated by this Statute. And what doggs a man may lawfully keepe within the Forest. And to this question I answer, that by the Assises of the Forest, it is most playne that there are two sortes of Dogges that may bee suffered to bee kept within the bounds of the Forest, which are *Mastiuos et paruos canulos*, and

all other dogges are forbidden by the Lawes of the Forest, to remaine within the bounds of the Forest. But any inhabitant within the Forest may lawfully keepe a Mastiue for the safetie of his house and goodes in the night: so that the same Mastiue be expeditated and lawed according to the assises of the Forest, as it doth appeare in Assisa et Consuetudines Forestæ Articulo 9. In these wordes: Si quis Mastiuus inuentus fuerit super aliquam feram, et mutulatus fuerit, ipse cuius erat, quietus erit de illo facto, si non fuerit mutulatus ipse cuius fuerit Mastiuus, erit culpabilis tanquã de manupasto suo. Et debet poni per sex plegios quorũ nomina debet imbreuiare et etiam qualis fuerit canis. So that hereby you may note that a man may keepe a Mastiue within the Forest lawfully if that he be expeditated: Although that such a Mastiue be found vpon a Deare, the owner of the same Mastiue shalbe quitte of the offence. Also it doth appeare in Assisa et consuetud' Forestæ Art. 16 that a man may lawfully keepe little dogges within the Forest, that can neither feare nor hurt the Kings wilde beastes of the forest: for the wordes are as foloweth, nullus messarius ducat secũ Mastiuũ magnũ ad fugadũ feras domini regis, sed paruos catulos ad expectadũ extra copertũ: By which wordes you may here note that a man may not lawfully vniue the Deare out of his Cozne with a great Mastiue, but with a little dogg that can but looke after them out of the couert: so that such little dogges as doe not dare to follow the Kings wilde beastes into the couert of the Forest, nor to runne after them to feare them, may be kept lawfully within the Forest, and such dogges shall not be expeditated, nor any fyne paid for them, for they are out of the meaning of the wordes of the Statute of Carta de Foresta aforesaid.

The wordes of the Statute are further, as foloweth, Nullus Forestarius vel Bedellus de cetero faciat Scottallas, vel colligat herbas, vel aucenam, vel bladum, aliquod, vel agnos, vel porcellos, nec aliquam collectam faciat, nisi per visum & sacramentũ duodecem regardatorum, quando facient regardum. Tot Forestarii ponantur ad Forestas custodiendum, quot ad illas custodiendum rationabiliter viderint sufficere.

Here

Assisa et Consuetudines Forestæ Articulo 9.

Assisa et Consuetudines Forestæ Artic. 16.

Carta de Foresta Artic. 7.

Here it doth appeare by the examination of this branch of the Statute, what great oppressions and extortions in tymes past were offered and done to the inhabitantes and dwellers within Forestes, or neare unto Forests, and unto such as had any landes or woodes within the Forestes by the Foresters and other officers of the Forest: And therefore this branch of this Statute was made as it were vpon the generall complaynt of the whole compynalte of this Realme, for a speciall prouision and remedie for the auoyding of those myschiefes, which the compynalte were then so oppressed withall. Which saide myschiefe and oppressions doe steme by this Statute to be two folde, that is to saie. First the extortions of the Foresters and other officers of the Forest, And Secondly, the multitude of those officers by whome they were so oppressed: and as the myschiefes at the tyme of the making of this Statute were two folde: so the prouision and remedie of this Statute is twofolde likewise. The first is a generall prohibition for the auoyding of all manner of extortion by any officer of the Forest, beginning in these wordes: Nullus Forestarius vel bedellus de cetero faciat scoteallas, vel colligat herbas, vel auenam, vel bladium aliquod, vel agnos, vel porcellos, nec aliquam collectam faciat nisi &c. The Second is a generall prohibition, made for the auoyding of all manner of surcharging of the Forest with ouermanie Foresters and Walkers, and other vnder officers: to the ende that there shoulde be no more of those officers in the Forest, then might resonably suffice for the keeping of the kinges wilde beastes: and so by reason of the diminishing of those officers, their extortion might also the easelyer be deminished. And as concerning the first prouision of the Statute, which is for the auoyding of extortion. It is to be vnderstood that there are Seven things forbidden in this branch of the Statute, which are, those things wherein the extortion of those officers in tymes past was most chieflie committed: which are as followeth.

That

That is to saye :
that no Officer of
the Forrest shal by
couloz of his office
onely make any

- 1 Scottall.
- 2 D^r gathering of any Dep.
- 3 D^r Dates.
- 4 D^r any other Cozne.
- 5 D^r Laimbes.
- 6 D^r Pigges.
- 7 Noz shall make any maner of gathering.

A Scottale is a
kinde of extor-
tion.

Now it is to be seene what thing Scottall or Scottale is. And for that it is to be vnderstood that a Scottal or Scottale is, where any officer of the Forrest doth keepe an Ale-house within the Forrest, whereas he is an officer and by couloz of his office doth cause men to come to his house, and there to spend their Money, for feare of hauing his displeasure: this is called a Scottall, & this is to be inquired of, per duodecim iuratores at the Swanimote, and also at the generall Sessions of the Forrest. And if such a Forester or officer of the Forrest be attayned of any such offence, then he is to be punished for the said offence, and also to be put from his said office. And the like lawe is, where any Forester or other officer of the Forrest doth keepe any game, or sell any Ale at a certayne daie, and by couloz of his office doth cause the people to spend their Money with him: this is also a Scottale. But if a Forester or other officer of the Forrest be robbed, or haue his house broken or burned by mischaunce, so that by those meanes he is vndone, and he doth desire the people of the Forrest for his releefe, to come and drinke with him, and to giue him their money for charities sake. This is no Scottall, nor yet any extortion: for a Scottall is extortion because the same is taken Colore officij, & not virtute officij. But whatsoeuer is taken virtute officij, is not extortion: Note the difference.

Colori officij
virtute officij.

And in like manner it is, if any Forester or other officer of the Forrest, by couloz of his office onely do oppresse the people of the Forrest that haue any common of pasture within the same Forrest: and do secretly compell them, in respect to haue his fauour, to giue

giue them Hay or Dates, or any other Cozne, or Lambs or Pigges: or doe make any manner of collection for any Hony or any other things: This is extortion, and is now prohibited by the Statute to be vsed any more hereafter: For the wordes are de cetero, that is to saie, from henceforth, that is, from the making of this Statute, such things shal not be vsed. And if any officer of the Forrest doe vse any such Scottall or gathering now at this daie, the same is extortion by the lawe, and the offender therein is to be punished for the same as an extortioner in this case. And then it followeth with a further addition vnto it: Per visum et sacramentum duodecim regardatorum quando facient regardum: so that although the making of Scottalles and gathering of Hay or Dates, or any other Cozne, or Lambs or Pigges, or making of any manner of collection by any Forrester or officer of the Forrest, is unlawful in some cases: (as where any such thing is newly exacted vpon the people of the Forrest without any good title or right to the same:) yet in other some cases al those things that are here prohibited and forbidden by this Statute may be lawfull, so that the same vslage had his beginning by good and lawfull title, which may be in three sortes which are as followeth:

1 By Tenure.

2 By Graunt.

3 By Prescription.

1 The first is, by Tenure, as where a man doth hold certaine lande of the Kings within the Forrest, to paye vnto any officer of the Forrest euery yeare at his Scottall xii. d. or s. s. or one Sheepe or Lambe: this is not extortion nor within the letter of this Statute, for this is not done Colori officij, that is by color of his office onely without any other right or title to the same: but this is a thing done virtute officij. And in like manner it is if a man do hold land of another man, paying for the same a certaine rent; and also to paye yearely to a Forrester or other officer of the Forrest certayn Dates or Cozne or such liker: this is not extortion nor within the letter of this Statute.

It appeareth by the worde, (de cetero) that before the making of this Statute, these extortions were vsed.

By Tenure.

So it is if a man doe giue land by his deed inrolled vnto another in taylor, to kinde or to giue vnto the Forresters of the Forrest a certaine collection euery yeare. In this case if the donee will not paye nor deliuer the sayde collection accordingly, the forresters or other officers of the Forrest haue not any remeadie by the law to compell the said donee to paie the sayde collection, But otherwise it is of the King himselfe, for he may by endowment in respect of his right of the Forrest haue remedie: And in this case the donoz himselfe may compell him by distress to pay the sayde collection vnto the sayde officers of the Forrest: And notwithstanding that the donee do paye the same collection vnto the donoz, and not vnto the said officers of the Forrest according to the Tenure, yet that donee shall not be discharged by that payment, but that the donoz may in this case distrayne the donee a new for his seruice not done.

2. By graunt.

The second is, by graunt, as if any man dwelling within the Forrest will grant vnto the King a certain collection or a certain profit for his forrester or other officer of the Forrest, to be receiued yearly by the said officers: In this case the said Forresters or other officers of the Forrest may lawfully gather that collectiō or other profit, notwithstanding the prohibition of the said Statute.

The same law is if a man doe graunt to such an officer of the Forrest any such collection, profit or other thing in Sufficientem officij, that is a good graunt, and by that graunt the said officers of the Forrest which haue such a graunt may lawfully take and gather such a collection: notwithstanding the prohibition by that letter of the Statute, and vpon the first case the King may force him to come and to paye the said Forresters the sayde collection or other profit, by an assise or information for the King, before the Iustices of the Forrest, by a *datum est curia*: intelligi, that the grauntee will not paye such a collection according to his graunt may compell him to paye the same, and also in the said Second case he shall be forced to performe his graunt by an Action of covenant.

3. By prescription.

The third sorte or manner of lawfull gathering of such things

things is by prescription, and that is onely where there hath beene a forest and officers there, the tyme whereof the memory of man is not able to remember the contrary: for in that case to alledge that the Forest was made after the limitation of the writ of right both auoyd the custome and prescription cleane.

A Forester in fee may prescribe in him & his ancestors to haue three halfe pence every daie throughout the whole yeare, pro victu suo, & he may lawfully gather the same, notwithstanding the prohibition of the said Statute. And the lyke lawe is in all cases of prescription where the same prescription is lawfull.

Hesket f. 30. B.

So a Forester of fee may prescribe to haue all the wind-fall-wood, or Dozt boys within the forest, or throughout all his bailiwick, and in like manner all the browstwood that is felled for buse in Winter for the Deare. Also a Forester may prescribe to haue the bimbles, & also one shoulder or both the shoulders of euery Deare that is killed within his Bailiwick, and likewise the skinne, and this is a good prescription in lawe.

And whereas the wordes of the Statute are *Nisi per visum & Sacramentum duodecem regardatorum*. It is to be understood, that these wordes do permit and suffer some sort of scottals and collections made by the Foresters and other officers of the Forest to remaine and continue still at this daie: So that the same be such Scottals or collections as had a lawfull beginning at the first, as hath bene shewed before, which of necessity must be in one of those three degrees aforesaid. And also that the foresaid Scottals or collections must be found & presented by the view of the Regarders vpon their oathes when they do make their regard of the Forest, that the said Scottals or other such like collections had a lawfull beginning at the first, as by Tenure: by Graunt: or by auncient Prescription: so that thereby it may appeare by their view and oathes, that the said Scottals or collections which the Foresters and other officers of the Forest do so vse to make, is a thing that is lawfully done by right and good title to the same, and not wrongfully exacted vpon the people by colour of their office onely.

The letter is further, *Pot Forestarii ponantur ad Forestas custodiendum quot ad illas custodiendum rationabiliter viderint sufficere*. Before the making of this Statute the Foresters and keepers of the Forest, and others which had Bailiwikes of the Forest within the Forest would appoint and place many more Foresters and walkers to keepe the Forest then were needefull, which multitude of such officers did oppresse the people by sumptuous Exortions for their maintenance to keep them because they had no wages or allowance of their masters, but such things as they could get of the people by oppression & extortion by colour of their office. And therefore, now it is ordained by this Statute for the avoiding of the same, that there shall not be any more Foresters or Walkers in any Forest then shall be thought meete and convenient by the discretion of the Regarders when they do make their regard of the Forest. And if the Regarders do finde that there be more Foresters & walkers than are needefull, and also more then hath bene accustomed to be in ancient time: Then upon their presentment of that matter, They shall be removed by the Justices of the Forest. And the offenders in this behalf shall be punished, as it doth appeare by the Statute called *Ordinatio Forestarum*, Cap. 4. in these wordes: *Et si superoneratio Forestarum aut aliorum qui se gerant ut ministri Forestarum inveniatur, amoveantur huiusmodi superonerantes, & imprisonentur secundum discretionem Iusticiariorum Forestarum vel eius locum tenent, necnon & illi; per quos positi fuerant ad voluntatem nostram similiter puniantur, & ad quodlibet Swanimotum inquiratur de superoneratione Forestariorum, & aliorum ministrorum Forestarum, & de eorum oppressiōibus populo nostro & fiant inde emende & punitiones, pro ut superius est expressum*. Hereby it appeareth, that this manner of surcharging of the Forest, is to be inquired of also in the Court of Swanimote: and then if any such be there found, the same is to be certified to the Justices of the Forest: And they are to remove such surchargers of the Forest. The punishment of such offenders is expressed by the words

The Statute of
Ordinario Forestarum, made in
Anno. 34. E. 1.
cap. 4.

Ordinatio Forestarum cap 4.

The punishment of surchargers of Forests with officers,

words aforesaid. And it doth appeare by those words, Quod ad illas Custodiendum rationabiliter viderint sufficere: that the number of the Foresters and other officers of the Forest aforesaid are to be established by the discretion and othe of the Regarders, as it doth appeare by those words, Viderint sufficere, and that shalbe according to the quantitie of the ground of the Forest. For if the Foresters haue diuers Bayliwikes and Walkes: then there ought to be one Forester or moze in euery Walke or Bailiweke within the Forest to walke the same as it is proued by the tenth Chapter de Capitulis attachiamenorum: vozt Quod Forestarii mane surgant & in Balliuam eant & ibi more faciant vsque ad horā nonam & tunc eant ad prandium. Et cito post prandium redeant in Balliuam suam videlicet, in partes illas vbi non fuerant ante prandium & ibi eant audientes & insidentes, ne quis in ea malum faciat vsque ad vesperum. Et sic faciat singulis diebus. And whereas the words of the Statute are Nullus Forestarius nec Bedellus: It is to be understood, that this word Bedellus is an Officer or seruant of the Forest that doth make all manner of garnishments of the Courts of the Forest, and also all manner of Proclamations aswell within the Courts of the Forest as without: and also to execute all the Proses of the Forest. He is like vnto a Bailly Errant of a Shire in his Countie. And here it is also to be noted, that although the letter of the Statute doth speake but of a Forester & a Bedle, yet neuerthelesse the same Statute doth extend to all other officers in the Forest, aswell as to the Foresters and Bedles, for the Statute was made for the redressing of one generall mischief: and therefore the saide Statute shall not be saide to redresse it in parte, but in all-like as the Statute that doth speake but of the Warden of the Fleet onely, and yet the same doth extend to all other Keepers of prisons aswell as to the Warden of the Fleet, for as much as the same Statute was made for the redressing of a generall mischief, & yet the letter thereof speaketh but onely of the Warden of the Fleet: & the like is of diuers other Statutes.

In capitulis attachiamenorum.

How and in what manner a Keeper or Forester shall walke.

Quid est Bedellus.

The letter of the Statute is further as followeth: Nullum
 Swanimotum de cetero teneatur in regno nostro,
 nisi ter in anno. videlicet, &c.

Carra de Fo-
 resta, artic. 8.

The chiefe scope of this branch of the Statute tendeth to
 this end and purpose to establish and set downe the time
 certaine for the holding of the Courtes of the forest, that is, the
 Court of Swanmote, and the foxtie day Court, and that for
 twocaulses. The first is, because that all the officers of the
 forest and all others that shall haue any thing to doe at these
 Courtes of the forest might by this branch of the Statute
 knowe the tymes of these Courtes certaine, which before were
 uncertaine. The seconde is, that for as much as before the
 making of this Statute there was no time certaine limited
 for the holding of these Courtes of the forest: And therefore the
 chiefe Wardens and foresters of the forest did hold the Courtes
 of Swanimotes as often as they themselves would, and con-
 strayned the people which did dwell within forestes thereby to
 appeare at these Courtes so often, that the same was a great
 oppression unto al the people of the forest within this Realme,
 & often times great exactions were payde by the inhabitants of
 forestes to the officers of the forest, to haue their fauour & friend-
 ship rather then they would appeare so often at those Courtes:
 therefore now these mischieses are aboyded and provided for
 by this Statute, which willet and appoynteth that from the
 time of the making of this Statute, the Courtes of Swan-
 mote shalbe holden but thrice in the yeare: and the Statute doth
 also there set downe at what daies in the yeare the same Court
 shalbe kept, and where, and what officers and other persons
 shalbe compelled to appeare there, and to giue their attendance
 at these Courtes: as it hath bene shewed before pa. 92. and as
 the same doth appeare by the Statute it selfe at large here be-
 fore pa. 31. And whereas the letter of the Statute is, that no
 Swanimote from hencefoorth shall be kept within this our
 Realm but thrice in the yere: First the xv. daie before Michael-
 mas

Hic anre pag.
 31. Artic. 8.
 pag. 18. Art. 8.
 Vide the Sta-
 tute, and there
 note 4. things.

The Lawes of the Forest.

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mas, when that our Aggloz of our Woods do come together
to take agistment in our demesne Woods: And about the
feast of Saint Martin in Winter, when that our Aggloz shall
recreate our pawnage: and to these two Swanimotes shall
come our Foresters, Verderors, Aggloz, and none other by
distresse. The third Swanimote shall be kept in the beginning
of 15; daies before the feast of Saint John the Baptist, when
that our Aggloz do meete together to hunte our Deare. And
at this Swanimote shall meete our Foresters, Verderors and
none other by distresse. Yet neuerthelesse it is to be understood
that as the lawe is now at this daie, all the officers of the Fo-
rest ought to appere at every Swanimote, as the Verderors
Regardors, Aggloz, Woodwardes, and all other persons
within the compasse of the Forest which are free holders, and
also de qualibet villa et villara quatuor homines et propo-
situs: that is to say, of every Towne and Village within the fo-
rest, the four men and the Reue: for although that this Sta-
tute of Carra de Foresta were made in the negatiue of the Law
and vsage that was before the time of the making of the same,
prohibiting thereby that no other person but onely those before
recepted shall be compelled to come to the said Courtes of Swa-
nimote by distresse, yet that lawe is now altered by a later
Statute made in Anno 34. Edwardi primi called Ordinatio
Forestar. And also by a Statute made in Anno 1. Edward 3.
Caput 8. For the wordes of the Statute of 34. of Edward 1.
are these, viz, First we haue decreed for vs and our Heires, that
of trespasses hereafter to be done in our forestes of greene hugh
& of hunting: The foresters within whose bailiwikes such tres-
passes shall happen to be committed, shall present the same at
their next Swanimote, before the Foresters, Verderors, Re-
gardors, Aggloz, and other ministers of the same forest. And
vpon such presentments there before the Foresters, Verderors,
and all other ministers aforesaid, by the othe a swel of Knights
as of other honest and lawfull men of the nearest parts where
the trespass so presented shall be done, not suspected, by whome
the

1. How often
the Swanimote
shall be holden
in a yeare.

2. At what
daies in the
yeare they shall
be holden.

3. What offi-
cers shall be
there.

4. At what
place the same
shall be kept.

Vide le brieffe
de Sommons,
hic anre pag:
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Vide Assisa
Forestar, art.7.

An. 1. E. 3. c. 8.
Hic ante Pag.
41. nota ibide,

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the truth of the matter may be fully inquired of, and the truth so inquired of, the presentments shalbe solemnly affirmed and sealed with their Seales, by the common agreement and assent of all the ministers aforesaide. And if the indictment bee made in any other manner, the same shall be utterly void. So that now it doth appere by this later statut, that the foresters, Verderors, Regardors, Agistors, and all other ministers of the forest: And also the freeholders and other honest and lawfull men of the forest must of necessitie appeare at the Courtes of Swanimote, according to this latter Statute, for otherwise the endictmentes that are there made against trespassers of the forest are void: for all the officers of the forest must affirme the same endictment, and the partie endicted must be indicted before all the officers of the forest: Then Ergo all the officers of the forest must of necessitie by this Statute come to the Swanimote Courte: And there also must be at the Courte of Swanimote the freeholders of the forest and other good and lawfull men, for to make enquestes & iuries there: for the presentments there by the wordes of the Statute aforesaide must be made per sacramentum tam militum quam aliorum proborum et legalium hominum de partibus vicinioribus ubi &c. Then Ergo there must be freeholders & other honest men of necessitie: notwithstanding the wordes of the saide Statute of Carta de Foresta aforesaide: and therefore although that the same Statute doth speake but of thre sortes of officers, that is to saie, of foresters, Verderors and Regardors, that are compellable to come to the Court of Swanimote by distresse. And also saith further: Et nulli alij per distractionem: Yet notwithstanding the Regardors, Woodwardes, and all other officers of the forest: And also all the freeholders within the forest, and the squire men, and the Reue of every Village within the forest must come to the saide Courtes of Swanimote and giue their attendance there: for if any of them do make default at any Court of Swanimote that is holden within the forest: every such defaulter shalbe amerced for the same default, & the same amercement shalbe estreated

ted out of the chiefe Warden of the Forest to leuy the same by distresse: and so by this meanes euerie person that ought to giue any attendance at the Courts of Swanimote, shalbe compelled to come to the said Courtes of Swanimote by-distresse, notwithstanding the letter of the Statute aforesaid.

The letter is, et nulli alij per districtionem.

NOwe it is to be seene what is ment by this word (per districtionem:) And for þ it is to be vnderstood, that if any of the officers of the Forest or others, which ought to giue any attendance at the saide Courtes of Swanimote, and they will not come to the same but doe make default there: then that default there shalbe enrolled in the rolles of the saide Court of Swanimote: and vpon that inrollment, the Verderors and the Stewards of the Swanimote or his Clarke or deputie there, by the Othe of the other officers of the same Courte, those which doe make default shalbe amerced, and that a mercement there shall be assessed also and estrapted presently to the chiefe Warden of the Forest or to his deputie, or to the Bedel of the Forest (which is an officer to goe throughout all the Forest, lyke vnto the Shirifes speciall baylife) to be leuied by distresse. But in this case the Verderors may chuse if they will, whether that they will so estreat the saide amercementes vpon the defaulters presently by distresse as is aforesaid, or else to certifie those defaultes in their rolles before the Iustices of the Forest: & then the Iustices of the Forest will cause wytes to be made out to the chiefe Warden of the Forest, or to the Shirife of the Shire where such defaulters doe dwell, to leui those said amercementes by distresse, or else the Verderors if they will may certifie those defaultes into the Court of Exchequer before the Barons of the said Court of Exchequer: and then therevpon the Barons of the Exchequer will cause wytes to be made out to the Shirife of the Shire to leui the saide amercementes by distresse. And there are sundrie very good presidentes to warrant either of these theiues aforesaid. And concerning distresses, as I do take

What is ment
by this worde
distresse.

The nature of
a distresse.

it, those that doe make defaultes at the saide Courtes of Swanimote, and the same defaultes being recorded, then the defaulters may bee distrayned to appeare at the next Swanimote of common right: Like as vppon an ooriginall, where a man is Sommoned and doth not appeare, afterwardes a distresse shal goe out immediatly against him, and then as it seer meth, those that doe make default there, shall be bound to a double distresse by reason of that default, that is to saie, one distresse for the amercement, by reason of his non apparance pro secta sua non facta, and another for a new apparance at the next Swanimote be it sure reall or such Service, or else by direct proces of common right, like vnto a distresse against a Juror to distraine him to come to the next Swanimote. But now for the better vnderstanding of the word distresse, I wil here speake something concerning the nature of the same: And where distresses may be lawfully made & taken, in such cases which doe concerne Swanimotes: and what things may lawfully be had or taken in execution for distresses. And for that it is to be vnderstood, that if an officer of the Forest do make default at any Court of Swanimote, then the chief Warden of the Forest or his Lieutenant or the Bedell of the Forest may distraine him for that amercement of thre shillings, or more or lesse, in any land that he hath, or doth hold by reason of his office, if he do hold any land so. And in the like maner, he may distrayne any other land that he hath within the Forest, although that the same doe not appertaine vnto his office: but he cannot distraine him out of the Forest in his landes: but he may distraine the goodes or Castels of that officer, although that they be in the landes of any other man within the Forest. And the same lawe is of euery other man that ought to appeare at the said Courtes of Swanimote, as the fourre men and the Reue, Bapise, Constable, Cubingman, Free-holder, or Juror which is Sommoned to appeare at the said Court of Swanimote, to be of any Juror for the Queenes Gaistie, or any other seruice there and in the case is afore said. And if the said chief Warden of the Forest, or his Lie-

How distresses
ought to be
taken.

Lieutenant, or the saide Bedell of the Forest, which ought to distraine, cannot find any distresse of his within the Forest, then he ought to certifye the same befoze the Iustices of the Forests; and vpon a Testatum there, that such a person which ought to appeare at the Court of Swanimote in such a forest did make default, and for the same he was amerced, and that he hath not any lands nor goods within the Forest that he may be distrained by, but that he hath sufficient landes within such a Countie which is out of the Forest: then vpon that Testatum there shall goe a writte or precept to the Shirife of the said foren Countie which is out of the Forest, where he hath sufficient of landes, *ad distringendum terras et tenementa cuiusmodi A. B. committat' illo &c.* And then by vertue of that writte or precept the Shirife may lawfully distraine him there for that amercement: and so you may see that the Iustices of the Forest vpon such a Testatum as is afoze saide, may cause a writte or precept to bee made to the Shirife of a foren Countie, that is out of the Forest, to leuie such a mercement by distresse: and yet they are not properly Iustices within the saide Counties, but Iustices of the Forestes within those Counties: & this is affirmed by the opinion of Maister Hesker.

Maister Hesker
Fo. 37.

And if the Bedell of the Forest or other officer do come to distraine for such an amercement in the Forest, and the owner of the same goods, (which are to be distrained) knowing thereof by couine doth come befoze that the said Bedell or other officer hath distrained them and doth conuey them away out of the forest: in this case, although that such an officer do freshly pursue them: yet he cannot lawfully take those goods nor distraine them being out of the bounds of the forest. But if such an officer had taken and once seised the beastes of the defaulter for such an amercement lawfully as a distresse, and then the owner by force had taken them from him, and so ouzie them out of the Forest: then the said Bedell or officer may make hue and crye & freshly pursue after him, and so take those beastes from the said recusor in any place where so ever out of the Forest. And the same

Master Mesket
Fo. 38.

law is, if a stranger do take those beastes from the Bedell of officer after that he hath distrained them, and then doth deliuer them to the first owner againe which doth dye them out of the Forest: then the saide Bedell of officer may lawfully pursue them and take them againe. But if that the beastes distrained vt supra, do come backe to the owner againe into his land, that is out of the bounds of the Forest by the negligence of the Bedell of officer that ought to haue impounded them, then the officer cannot take them againe: For now the first distresse is determined by the comming backe againe of those beastes to the first owner, which is done without his act: for in this case it is not like to a rescous, where the owner of those beastes doeth come to the possession of them againe by his owne wrong.

But if the Bedell of other officer do distraine for any amercement vt supra, and then doth deliuer the same beastes which he hath taken by distresse to a stranger to keepe to his owne vse, whereby the stranger to whome they were deliuered so to keepe, doth dye them to his owne land being within the Forest: and afterwards the owner of those beastes doth take them out of his land that hath the keeping of them, and dye them out of the Forest: in this case the Bedell nor other officer can not take them againe now being out of the Forest. But otherwise it is, if that the Bedell of other officer had taken the distresse and deliuered the beastes vnto a stranger to keepe as a distresse: In this case, if the owner take them & do dye them out of the Forest, yet the Bedell of other officer may freshly pursue them & take them againe from him although that they be without the Forest in a forreine Countie. Note the difference where such beastes were deliuered to be kept as a distresse, and where to be kept to his owne vse.

If an officer of the Forest, or other person that ought to appeare at the Swanimote Court, haue land within the Forest, and the beastes of a stranger do escape into his land, by reason whereof the land-tenant doth distraine them and put them in the pound in the same lande as in one pounce: any then afterwards

wards the Bedell of the Forest doth finde them there so leuane and cotochant, afterwards he may distraine them for that amercement. But otherwise it is if those beastes were neuer leuane and cotochant there.

If the Bedell of the Forest or other officer do break the close of the land that is inclosed with one ditch and a hedge & a gate with a lock to it, and doth there distraine for such amercement of the same man to whome the land doth belong: That distresse is not lawfully taken there. But if the gate be unlocked, or the hedge do lye open, otherwise it is. And otherwise it is, if such officers do distraine such beastes in the high way within the Forest out of any close or inclosure.

And if one be amerced vt supra, and after that he is so amerced, he doth deliuer his beastes and his goods that he hath so within the Forest to another in pledge or in moygage: There the Bedell of the Forest nor other officer cannot afterwards distraine them during the pledge or moygage.

But otherwise it is, where issues are returned vpon the land of a freeholder within the Forest which hath made default and lost the issues, and afterwarde he doth alien that land: there the said Bedell may distrain in that land that is aliened for those issues that are lost. And thus much concerning distresse.

It were a thing verie necessarie here in this place to shewe of what things distresses may lawfully be made and taken. But because that the same is a matter that doth altogether followe the course of the Common Law, I will here omit it and referre you to the Register of Writtes in titulo Distresses for that matter.

The wordes of the Statute aforesaid are Conueniant Forestarii, viridarii, & agitatores: It is necessarie nowe here to shewe what a Forester is, how he is made, & what his office is. What a Forester is.

And for that it is to be vnderstood that a Forester is an officer of the Forest of the King, or of another man, That is sworn to preserue the Vert and Venison of the same Forest, and to attend vpon the wilde beastes within his Bailiwick, and to at-

Each offenders there either in Vert or Venison, and the same to present at the Courtes of the same Forest, to the ende that such malefactors may thereby be punished according to the qualitie and quantitie of their offences and trespasses.

And a Forester of the Kings Forest is made by the King himselfe by his letters Patents vnder the great Seale of England: And some such Foresters, are foresters in fee, and haue the same office to them and to their heires, paying vnto the King a certaine fee ferme or rent for the same, as it doth appeare by the Assises of Pickering and Lancaster. And there are other some foresters of the King that haue their office but for terme of their life onely. And againe, there are some foresters of the King that haue their office by Letters Patents from the King vnder the great Seale of England but durante beneplacito onely.

How a Forester is made.
Who is a Forester of fee.

Who are Foresters.

Walkers or vnderkeepers.

The othe of a Forester ante pag. 51.

And in like maner it is of other foresters that are not foresters of the King. And those that are seruants to such foresters to looke to the Forest, and to attend the Deere for them, they are not properly called foresters, but Walkers or vnderkeepers.

The oath of a Forester, Walker, and Vnder-keeper, hath beene shewed alreadie before, Page 51.

Now it is to be seene what is the office of a Forester. And for that it is to be vnderstoode that the whole office of a Forester of the Forest doth consist in these iiii. things, that is to say:

To Preserve. 1

To Watch. 2

To Attach. 3

To Present. 4

The office of a Forester is to preserve.

1 And as concerning the first point, which is to preserve: He is to be vnderstood, that a Forester or Keeper of the Forest must be a speciall preservatour of the Vert and Venison of the Forest, without the which it can be no Forest: And therefore such an officer must alwayes haue a vigilant eye to preserve the Courts of the Forest where the wilde beastes may haue their secret

secret abbying, and also the wilde beastes which are beastes of venerie. And such an officer may not kill or destroy any of those beastes of Venerie of his owne authoritie without good Warrant for the same: for if he do, the same is cause of forfeiture of his office. And also such an officer must be verie carefull to provide that the Deare may haue foode in the Winter: And for that cause the Law hath provided that the Forester may lawfully lop Trees in another mans land upon some speciall occasions for towise to succour the Deare in the Forest withall, as it hath bene shewed before. Like wise every good Forester must be carefull for the looking vnto his Deare in the fence-myneth, which is the time of their tawming, for the preservation of the yong Fawnes, for the encreasing of the game, according to the Assises of the Forest. And thus much concerning the first point of his office, which is to Preserve.

2 The second point of the office of a Forester is to watch, or to be carefull in attending of the Vert and Venison of the Forest, to see that the same be not by any meanes destroyed: For as a Forester himselfe may not kill nor destroy any of the wilde beastes of the Forest without good warrant, nor yet cut down or destroy the Vert of the Forest: No more he must not suffer any other person to do any manner of trespass in the Forest to the hurt of the Vert or Venison of the same Forest. For it doth appeare by the Lawes of Canutus, Canon. 2. That Foresters were appointed at the first *Ad suscipiendum Curam & onus cum Viridis cum Veneris.*

3 Now the third point of the office of a Forester is to attach offenders or trespassers in the Forest: So that as a Forester by his office is to be a Preservatour of the Vert and Venison of the Forest, and therefore to watch and attend the same: He is like wise to attach or arrest all such offenders and trespassers as he shall finde offending or trespassing within the Forest, to the end that they may receive such punishment for the same as the lawes of the Forest doth in that behalfe appoint.

4 Nowe the fourth point of the office of a Forester is to present,

present, which is, that he that is a Forester must not conceale any manner of offence that shalbe done within the Forest by any manner of person, either in Vert or Venison, but present the same: and also all manner of attachementes that he hath made for any offence or trespassse of the Forest, before the Verderors of the Forest, at the forre daie Courte, and at the Court of the Swanimote, according to the assises and lawes of the Forest, to the end and purpose, that the Vert and Venison of the Forest may be the better preserved and kept by the due punishment of such as shalbe founde to be any trespassers or offenders in the same: And thus much concerning the office of a Forester.

And now because the words are: *Conueniant Forestarij viridarij et agillatores*: It is to be seene what a Verderor is: how he is made, what is his othe, and also what is his office.

The definition
of a Verderor.

A Verderor is a iudiciall officer of the Kings Forest, chosen by the King in the full Countie of the same shire within the forest where hee doth dwell, and sworne to maintaine and keepe the assises of the Forest, and also to view, receive and inroll the attachementes and presentementes of all manner of trespassses of the Forest of Vert and Venison.

And it is to be understood, that there are most commonly in every one of the Kings forests within this Realme foure officers of the forest called Verderors, which ought to be Esquires or gentlemen of good account, abilitie & lining, which are wise and discrete men and well learned in the lawes of the Forest. The office of a Verderor is almost like unto the office of a Coroner in some populates: for as a Coroner by the lawe is to view the dead bodie of any of her Majesties Subjects that is suddenly slayne or found dead, and it is not knownen how he hath come by his death, then the Coroner is to repaire to the same dead bodie upon notice thereof unto him given, to see and view the same, and there also to inquire by the othe of six good and lawfull men upon the view of the same dead bodie, and such evidences & circumstances as can by any meanes be there learned how he came to his death, and who was the occasion thereof.

Then

Euen so a Verderor is to view the wild beastes of the Forrest: And if any of the Kinges wilde beastes in the Forrest be found slayne or sore wounded, or hurte: then upon notice thereof giuen vnto the Verderors or vnto any one of them, then he ought to repaire to the same wild beaste, that is so slayne, killed or hurt, and there to cause an inquisition to be made per quatuor villas propinquiores Forestæ, to knowe how the same wild beast was killed, and by whom: as it doth appeare by the assises of the Forrest, Articulo 7. And so a Verderor in that respect is an officer like vnto a Coroner. And it is to be noted, that euen as a Coroner is chosen by the Kings wyte in the full Countie: So is a Verderor also, for when any of the Kinges Verderors of his Forrest is dead, then upon certifficat thereof made vnto the King in his highe Courte of Chauncery that T. Barfoote one of the Verderors of the Forrest of Waltham is dead, the king thereupon doth graunte out a wyte de viridario eligendo directed to the Sherriffe of the same Shire, within which the Forrest is, where he is to be chosen Verderor, commaunding him in his full Countie to chuse another Verderor in the place of him that is dead, the tenor of which wyte is as followeth.

Assisa et costitudines Forestæ Artic. 7.

How a Verderor is made.

Elizabetha dei gratia Angliæ, Frantiæ, et Heberniz, Regina fidei defensor &c. vic' Essex salut' quia Tho. Barfote nuper vnus viridarior' nostrorum Forestæ nostræ mortuus est ve accepimus, ideo tibi præcipimus quod si ita est, tunc in pleno com' tuo de assensu eiusdem com' loco præd' Thomæ Barfote eligi facias vnum alium viridarium, qui prestito sacramento prout moris est, extunc ea faceret et conseruaret quod ad officium viridarij pertinet in Foresta prædict' et talem eum eligi facias qui melius sciaret possit officio illi intendere et nomen eius nobis scire facias teste &c.

The wyte de viridario eligendo.

By which wyte it appeareth that a Verderor shall be chosen in the full Countie, in the same manner as a Coroner is, by the free-holders. So that when the Sherriffe hath receaued the Kinges wyte aforesaide for the chusing of an other Verderor, and that he by vertue of the same wyte in his full countie hath

caused

g

See the othe of
a Verderor at
large before
pag. 51.

caused the free-holders there to elect a wise, discreet, sufficient and able man, to serue in the saide place of a Verderor, & that the same Shirife hath giuen vnto him an othe accordyng to the Tenour of his wyte, which is, that from henceforth the same Verderor shall obserue and do those things which vnto the office of a Verderor doth appertaine within the same Focest: And then this election of such a new Verderor together with his name must be certified into the Court of Chauncery by the same Shirife, in his retorne made of the same wyte: and in this soyte a Verderor is made, and no otherwise then this no man may be made a Verderor of any Focest of the Kings.

Fitzh. fo. 164

And if any Verderor of the kings Focest be discharged from his office by false suggestion by a wyte of the Kings, directed to the Shirife: then the partie of Verderor so discharged, may come into the Chauncery and there require a commission to inquire of that suggestion, and to certifie that inquirie in the Chauncery before the King: or the Iustices of the Focest may certifie the King of that false suggestion vnder their Seales. And if the same suggestion be found false, then the King may make a supersedeas to the Shirife, that he shall not remoue the saide Verderor &c. And if that he be remoued already, that then he shall still suffer him to vse and occupie the saide office of a Verderor as he did before. And thus much concerning the making of a Verderor: and also his othe, which you may see set downe at large here before pag. 51. And if any Verderor, Forester, or any other minister of the Focest, be compelled by the Shirif to any Assises Iuries or inquestes, they may haue a wyte directed to the Shirife to discharge them, as it doth appeare in Fitzherberts Natura breuium.

Vide Natura
breuiū, Fitzh.
fo. 167. a
The office of
a Verderor.

And now concerning the last poynt, which is, the office of a Verderor, & what the office of a Verderor is: & in what things the same doth chiefly consist: it is therefore to be vnderstood that the whole office of a Verderor doth consist in these three things, that is to saie:

Ad

- 1 Ad videndum.
- 2 Ad inquirendum.
- 3 Ad recipiendum.
- 4 Ad inbreuiandum.
- 5 Ad iudicandum.
- 6 Ad certificandum.

And as concerning the first poynt, which is, Ad videndum to see & to view, It is to be noted that a Verderor ought to view the Vert and Venison of the Forest, as it appeareth in Alsisa Foresta Articulo 3. in these words: Si quis inuentus fuerit extra dominicum boscuin et infra rewardum prosternens quercum sine visu aut liberatione Forestarij aut viridarij debet attachiari per quatuor plegios et per visum viridar' debet quercus apreciari, et in Rotulo Forestar' et viridarior' nomina pleg. imbreuiari. By which Article it is proued, that if an Duke being ouer Vert within the Forest, bee felled or cut downe out of the Kings demesne Woods, the same Duke is to be apprysed by the view of the Verderors. And also, as to the fourth point of the office of a Verderor, which is, Ad inbreuiandum, to inroll, It is also there prouided that the Verderors ought to inroll their apptement and view in their roll.

Alsisa Foresta
Artic. 3

And it doth also appeare in Alsisa Foresta Articulo 19. that the Verderors of the Forest ought to take inquisitions of matters of the Forest, and of trespasses of the Forest, aswell of Vert as of Venison, and those inquisitions they must inroll in their roll likewise, and also certifie the same befoze the Lord Justice in Eyre of the Forest at his next comming into the Forest to hold the generall Sessions of the Forest. And it doth also appeare by Carta de Foresta cap 8. that the office of a Verderor is, Ad videndum attachiamenta de Foresta tam de viridi quam de venatione per presentationem ipsorum Forestariorum: So that it doth thereby appeare that the office of a Verderor is, both to view the attachments of the Foresters, and also to receive their attachements and to inroll them in the rolls of the Verderors,

Alsisa Foresta
Artic. 19

Carta de Foresta,
cap. 8

*Affisa Forestæ
Articulo 19.*

And then it followeth that all those rolls of the Verderoyers must be by the saide Verderoyers certified to the Justices of the Forrest at their comming into the same Forrest to hold their generall Sessions of the Forrest, as it doth appeare in *Affisa Forestæ Articulo 19*. And also the Verderoyers office in some causes is to iudge of offenses and trespasses that are committed and done within the Forrest, as of trespasses in *Uert*, the valew thereof being vnder the some of foure pence. And it doth appeare by the *Milles of Lancaster and Pickering*, that the entrie of the plees of the Forrest are thus, *presentatum per Forestarios et conuictum per viridarios*: Whereby it doth appeare that the office of a Verderoy is a iudiciall place or office: and this much concerning the office of a Verderoy.

The letter of the Statute is farther;
Et Agitatores.

The definiti-
on of an A-
gistor,

Affisa N. 2.

How an agi-
stor is made.

It is therefore nowe very necessarie here in this place to declare what an Agistor is, how an Agistor is made, and what his office is. And for that it is to be understood that an Agistor or gistaker of the King, is an officer of the Kings Forrest, to ouersee and to agist the Kings demesne Woods and lands, and to receaue the Kings Pawnage, and to doe for the profit of the King therein the best he can, and to make a true account thereof.

And it doth appeare by the *Milles of Henry 2.* that the Agistors of the Kings Forrest are made in the same manner as the Foresters of the Kinges Forrest are made, and that is by the Kings letters pattents vnder the great Seale of England, as it hath beene shewed here before. And it doth appeare there also that the King hath in euery Forrest where he hath any Pawnage, foure Agistors or gistakers, to receiue the agistment and Pawnage for the King: For the words are these, *Quod in quolibet com in quo dominus Rex venationē suam habet, ponantur duodecim milites ad ostend' et supervidendum venationem suam et quod viridarij cum Forestarijs et quatuor milicibus ponantur ad agistandū boscos et recipiendū paunagiū suum*

sum: And by these wordes it doth appeare that the office of an Agistor is to agist the Kings demesne Woods, and to receiue the pawnage thereof to the vse of the King, and to render an account thereof.

And it is to be vnderstood, that the office of an Agistor of the Kings Forest doth consist in these foure things, that is to saie:

1. Ad agistandum.
2. Ad recipiendum.
3. Ad inbreuiandum.
4. Ad certificandum.

And concerning the first poynt, that is to saie, Ad agistandum, which is to agist the Kings demesne Woods and lands: he that is an Agistor of the Kings Woods within the Forest, must haue an especiall care to agist the same for the best aduantage and profit of the King, and also to receiue the Dony for the agistment and pawnage for the same to the vse of the King, and then he must faithfully and truly inroll the same in the Agistors rolls of the Forest, which inrolling and receipt of the said Agistment and pawnage, the saide Agistors must also certifie before the Lorde Justice in Eyre of the forest at his next coming into the forest, to hold the generall Sessions of the forest, & thereupon to make a true accompt of such Donie as they haue receiued for pawnage or otherwise to the Kings vse, as it doth appeare by the wyte of Summons of the Justice Seat of the forest: And thus much concerning an Agistor of the Kings forest.

The Letter of the Statute of Carta de Foresta Articulo the 9. is further as followeth, Vnusquisque liber homo agistet boscum suum in Foresta, pro voluntate sua, et habeat Paunagium suum, concedimus etiam quod vnusquisque liber homo ducere possit porcos suos per dominicu bosc nostru libere et sine impedimento ad agistandu eos in boscis suis proprijs vel alibi vbi uoluerit. Et si porci alienius liberi hominis vna nocte pernoctauerint in foresta nostra, non inde occasione- tur vnde aliquid de suo perdat.

Alia Foresta
H. 2.

The Lawe of the Forest befoze the making of that Charter of the Liberties, was that no man might agist his Woodes oꝝ lands which he had within the Forest; untill the Woodes of the King were agisted, & the agistment of the King did alwaie begin fiftene daies befoze the feast of Saint Michell, and did indure foztie daies after the feast of Saint Michell: And that agistment of the kings shalbe made by the Verderors Agistors, and Foresters, as it doth appeare by the Assises of the Forest of Henry 2. Cap. 7. foꝝ all the herbage throughout all the Forest befoze that tyme of the peare, euerie peare was kept and preferred foꝝ the wilde beasts of the King foꝝ their pasture. And if any person did the contrarie, then they were grauously punished. And also if any had Woodes within the Forest to be agisted he might not drue his Hoggs through the demesne Woodes of the King to his owne Woodes, without licence of the officers of the Forest. Or if the Hoggs agisted in those Woodes did chaunce to scape by night out of the Woodes where they were agisted into the Kinges Woodes, then the owner of those Hoggs was grauously punished foꝝ that matter: and also the Hoggs by the law were forfeited by the presentment of the officers of the Forest. So that by such meanes, a man that then had Woodes oꝝ lands within the Forest, should haue great damage, prejudice & losse of the profit of his lands oꝝ woodes, and the agistment there foꝝ the greatest parte of the peare: and foꝝ the remedie of these matters, that Charter of the liberties of the forest was made, which saide Charter of the liberties of the Forest doth now giue vnto euery such man that hath Woodes within the Forest, a verie great libertie, which is, that he may agist his owne Woodes oꝝ lands which he hath within the Forest at his owne wil and pleasure at any time of the peare: And also that he may take the paturage of them him selfe at his owne will and pleasure: And also that he may drue his Hoggs oꝝ Swine through the Demesne Woodes of the King, without any vexation oꝝ trouble to agist them in his owne Woodes oꝝ else where there. And though that the Hoggs of any other person doe remayne all one night

damage

Damnage felonant within the Kings Forest, yet notwithstanding he whose Hoggs they were shall not be impeached or lose any thing for that offence: But for as much as this letter of the Statute of Carta de Foresta was so generall a libertie giuen unto all men, therefore the Assises and customes of the Forest made in Anno 6. Edwardi. 1. Caput 13. hath made one especiall limitation and order concerning Swine or Hoggs, which is, that although they are not beasts comminable within the Forest, nor to be kept there all the whole yeare, but onely during the tyme of Pawnage, yet a man may agist his Hoggs yearely within the Forest in the tyme of Pawnage, as it doth appeare in the words of the same Statute, the words being as followeth: Si quis habuerit boscum iuxta dominicum boscum domini Regis, licitum est ei postquam dominice haie agitate sunt habere in bosco suo tempore paunagij tot porcos quot boscus per visum forestariorum viridiorum regardatorum agistatorum et aliorum proborum hominum possit pati, et hoc fiat &c.

Pag 4

Assisa Forestæ
cap 13

And so it doth appeare that the agisting of the Hoggs of any man at this daie within his owne demesne Woods within the Forest, cannot lawfully be done vntill the demesne hedge-rows and hedges of the King be agisted, and then he shall haue the agistment for Hoggs during the tyme of the Pawnage yearely, by the view of the officers of the Forest, and by their discretion assigned as the Woods may sustaine. But now here it is verie necessarie to shew what thing agistment is, & what thing Pawnage is. And for that it is to be vnderstood, that agistment is most properly the common of Parbage, of any kind of grounde or land or Woods, or the Poy due for the same. And Pawnage is most proper the mast of the Woods or land, or hedge-rows or the Poy that is due to the owner of the same for it.

What is A.
gistment.

What is Paw-
nage.

Maister Heskett in his reading of the Charter of the Forest, sayth that the Pawnage is not the pasture & mast for the Hoggs within the Forest, but sayth he, it is the ducie or Poy that is to be payed to the owner of the ground, for the pasture feeding and Past of Hoggs. And he saith further, that the same hath bene so

Maister Heskett
fo. 48.

so adiudged in the tyme of Edward the first, but he doth not shew in what yeare, but he setteth downe the case in these words.

Trespas fuit pozt per un home pur entrer in son parke & oue ses asis son pownage la depasta. Et le biesse fuit abate per agard del Court. Car le biesse doit estre que il oue ses aners pessonem suam la depasta et nemi de supza, Car le pownage est solement les deniers papes pur cest pession.

The Letter is, vnusquisque liber homo

And if a man doe hold of me in villanage certaine Wood with in the Forest, yet notwithstanding he may agist his owne wood for he is free against all men but onely against me. But the lawe is contrarie, if a villaine of the Kings do hold Wood within the Forest, for it is properly such a villaine that the Statute doth meane: for such a villaine hath not any libertie by this letter of the Statute: and in that case the King shall haue his agistment and not his villaine.

If I doe giue land or Wood lying within the Forest to another in taylor, Frankemariage, or for terme of yefe, the bonds or grauntée shall haue agistment and pownage there.

The same lawe is if I do let my land or Wood within the Forest to one for terme of life or for yeares, or at will, such a lessee shall haue the agistment and pownage there, but the law is contrarie of tenaunt by sufferance.

Carta de
Foresta.
cap. 10.

The words of the Statute of Carta de Foresta caput 10. are Further as followeth: Nullus de cetero amittat vitam vel membrum pro venatione nostra. Sed si quis captus fuerit et conuictus de captione venationis nostre grauius redimatur si hēat unde redimi possit. Si autem non habeat unde redimi possit, taceat in prisoia nostra per vnum annum et vnum diem et si post vnum annū & vnum diem pleg, inuenire possit, exeat de prisoia, sin autem abiuret regnū Anglie. &c.

A The common Law before the making of this Charter, if any man had killed the Kings Venison or his Deere in his Forest, then such killing was felonie by the lawe, and for that offence

fence such an offender should by the lawe lose and forfeit aswell his life and member, as all that he had, at the will and pleasure of the King. And in auncient time, that was called plena vita, hoc est, plena forisfactura: and then the same was taken as a forfeiture and offence, as if a man had fought and broken the peace within the Kings house or his hostell in warre, or before the Iustices of the King sitting in the time of peace in their Iudiciall seate, which Iudiciall seate is by the lawe a place privileged and a peaceable place as the Forest is for the preservation of the kings wilde beastes, in which cases it was then felonie to kil them, and the offender should lose his life by the lawe for such an offence, or els if he did not lose his life for that offence, then he was to make a greivous raunson for the same, as it doth appeare in the aun-
 cient lawes of Saint Edward in his booke, fo. 69. And afterwards in the time of William the Conqueror, in the ende of his decrees that he made and set downe for lawes: he willeth that no man shall lose his life for any such offences, but onely that such an offender shalbe punished by the losse of some of his members, which decree is there set downe in these wordes: Interdicimus etiam ne quis occidatur vel suspendatur pro aliqua culpa; sed evelluntur oculi, et abscindantur pedes vel testiculi vel manus, ita quod truncus vnus remaneat in signum nequitie sui & secundum quantitatem delicti debet pena maleficientis infligi:
 And this law in some cases doth endure vntill this daie: As at the Common Lawe, if a man do make an affraie within the Kings Pallace, the offender shall lose in that case his right hand: and this was the Common lawe before the making of the Statute of An. 33. H. 8. as it doth appeare in 41. Alsifurum, where the case was, that a man was endited and arraigned, for that he did strike a Iuroz in the Pallace at Westminster which had passed against him: which saide stroke was giuen in the presence of the Iustices: for the which he had his iudgement that he should remaine in prison in the Tower during his life, and also that his right hand should be cut off, and that the issues and profitcs of his lands should be forfeited vnto the King during his life, but

Legibus San-
 cti Edwardi,
 fo. 69

Les decrees del
 William la
 Conqueror.

The Statut of
 An 33. H. 8.
 41. Alsifurum,

Striking in the
 Kings pallace
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 sence of the
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Wh.

his

19. E. 3. M. 22
E. 3.

his heire should not be disinherited. And the verie like case is adjudged in Anno 19. E. 3. and also in M. 22. of E. 3. Where an Esquire of good accompt which beare his sword to strike another person in the presence of the Iustices, of which offence he was afterwards convicted and had his iudgement for the same to haue his right hand cut off: and he was also for the same offence committed to Newgate, there to remaine as in the case before recited. And therefore now this graunt and Charter of the Liberties hath provided a remedie for this extremitie in these wordes, Nullus amittat vitam vel membrum, which is a verie great libertie vnto all the Kings Subiects. And it is also a restraint and an abridgement of the Kings will and pleasure, vpon which the punishment of such offenders did then onely depende, which at that time was vncertaine, where as now the same is a most certaine punishment appointed for those that do hunt the Kings wilde beastes: for the wordes are Pro venatione &c. So that the same Charter is now a generall pardon to all men of life and member for all offences of hunting the Kings wilde beastes of Venery. And because the letter is pro Venatione, it is necessarie to consider what beastes are called beastes of Venery or the Kings Venison, and therefore it appeareth as it hath been shewed before, that there are five wilde beastes that are accompted beastes of the Forrest, that is to saie, the Hart, the Hynde, the Hare, the Boare, and the Wolfe. And there are also five beastes remaining in the Forrest that are accompted beastes of Chase, that is to saie, the Bucke, the Doo, the Fox, the Marton, and the Roo. And there are also diuers other wilde beastes in the Forrest, that although they are not beastes of the Forrest, nor beastes of Chase, yet they are accompted beastes of Venery, and this Charter of Pardon of life and member doth extend to the hunting & killing of any beastes of Venery, according to the letter of the saide Charter which is, pro Venatione, which extendeth also to all manner of Hawking and destroying of Fowles of Warren and Fishing in anie viuarie within any Forrest where such kinde of things are that are fere naturæ.

Pro venatione.

The v. beastes
of the Forrest.
The v. beastes
of the Chase.

The

The letter is further, *Scd si quis captus & convictus*, &c. Which is as much in effect, as if the wordes had beene, That if the offender be taken and attainted of the Trespas or offence by the course of the Lawes of the Forest. But if the defendant bypon an Inditement, do confesse the offence, or will saie nothing at all to it: or will make default after his appearance, if the same do passe the Swanimote in due forme of Lawe, according to the Statute called *Ordinatio Forestæ*, and according to the Statute of Anno primo of Edward the thirde, Cap. 8. then such an offender shalbe saide to be convicted. And when any offender is thus convicted, he shall make his fine for the same offence: For the letter is further, *Gruaver redimatur*, and that is as much to saie, The offender to convicted must be grievously redeemed, or make a grievous fine or raunsome for his offence. And it is said that there is a great diuersitie betwene a fine and a raunsome: For a fine is arbitrabie by the Iustices of the King, and is to be assessed by them without the King. But a raunsome is not to be assessed by the Iustices of the King onely, but that the King shall first therein shewe his pleasure and will. And therefore it doth seeme that in this case the recompence for such an offence is to be called a fine and not a raunsome, because the Iustices of the Forest do assess the same without making of the King priute to it first as common experience doth dayly proue, and auncient presidents of the Lawes of the Forest confirme the same.

Ordinatio Forestæ, An. 34.
E. 1.
An. 1. E. 3. ca. 8

The diuersitie
betwene a
Fine and a
Raunsome.

And thus having passed ouer 10. articles of the Charter of the Forest, I will here ende & leaue the rest to others of better learning & iudgement to handle. And because it is verie necessarie to see and know the manner of the making of a Forest, and of the disafforesting of a Forest againe: I will now here set downe the Charter of the Puraley, to the end that it may thereby appeare in what manner a Forest is made: And as a Forest is made, in like manner the same is made a Puraley & disafforested againe, as it shall appeare by this President hereafter following.

The Charter of the Purlicus.

Charta de Foresta caput. 1. Ad ordeigne que tous Forests que Henricus auus noster aforestauit videantur per bonos & legales homines & si &c. Et postea pur le plus speedie remedie de faire Puraleys del Forests & perambulations suit ordaine in An. 1. E. 3. cap. 1. Statut. 2. que le grantd Charter de la Forest soit garde in tous points et que la poner il que estoit Chiuache in temps le Roy E. aiel le Roy qui ore est se teigne in la forme qui estoit Chiuache & bound & que sur ceo soit Charter fait a chescun Countie & ore al intent que poit in plus ample maner ceo intend' ico aie icy eserie le perfect maner & forme de ceo.

ICy comence le Proces de la Puraley de Windsor fait en le Countie de Surrey au parliament tresnoble seignior nostre Seignior le Roy Edward 3. apres le cinquett summons & renus a Westm' lan de son reigne primer.

1 Au quel Parlemēt al comp. des Prelats, Countes, Barons & la Comunaltie del Royalme fait au Roy que les Purales en temps treshonorable Roy Edward aiel nostre seignior le Roy Edward quorest grauntis & confirmies ne furent nuyte gardes: et auscuns Puraleys en diuers Forestes nient faits remistrent a faire en temps le Roy Edward piere nostre seignior le Roy quorest: nostre seignior le Roy a lout piere graunta que les puraleys deuant faits grauntis & confirmies dischoye enauant fussent tenus & gardes. Et que les Purales qui remistrent a faire per les feaux & leaux a ceo assignes fussent faits a plus en haste come les poient conement faire, Et come les fussent faits en la Chauncellerie recoignes, & per certaine bounds & metes que les confirmeret per la Charter pur luy & pur les heites a garder & a tenir: a tous iours. Et nostre seignior le Roy de ceste la bon volunte en Parlemēt fait & graunta en chescun Countie Dengleterre la Charter auz qui voient sure que mest' en auant: per que la Comunaltie de Countie de Surr' qui se senci greue

greue en la dit Forest de Windsor deins launds del dit Countie de Surr' auantdit sui dauoir la dit Charter nostre seigniour le Roy afeale et aneient tesmonfant la volunte auantditre come plus plegnement est contenu per exemplification de la dit Charter la quel demooit en labye de Certeley a garder.

2 Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquit'. Omnibus ad quos presentes literæ peruenierint salutem. Sciatis quod cum celebris memorie Dominus E. quondam Rex Angliæ Auus noster dudum fideles suos assignas ad perambulationes in forestis suis tam citra Trentam quā ultrafaciend' et postmodum quasdam perambulationes in aliquibus forestar' illar' sub certis metis & boundis in eisdem content' factas & returnatas per litteras suas Patentes pro se & hæred' suis cōcessit. & confirmasset ceteraq; precepisset per prædictas metas & bundas imperpetuum obseruari, perambulationibus huiusmodi tempore dicti aui nostri in aliquibus Forestis remanentibus faciend', ac dominus E. nuper Rex Angl' pater noster in parliam' suo nuper apud Lyncoln' conuocat' ad supplicationem Prelator' Comit' Baronum & Cōitatis regni sui assentium dictas perambulationes factas obseruatas non fuisse iuxta concessionem & confirmationem prædictas. Et perambulationes huiusmodi alibi factas non fuisse per litteras suas patentes quin o die Augusti Anno regni sui decimo, concesserit pro se, & hæredibus suis quod perambulationes præd' per dictum auum nr' concessit & confirmate sicut præd' est sub metis & bundis in dictis litteris patētib' ipsius aui nostri com' & specificat' teneantur & imperpetuum obseruentur. Promittens quod fideles suos ad perambulationes in forestis in quibus tunc factæ non fuerunt faciend' assignari faceret. Ita quod perambulationes ille fierent ante festum Nātāl' Domini tunc proxim' futur' & quod perambulationes illas cum facte fuissent & returnate per litteras suas patentes quas in eisdem contingunt contineri pro se & hæred' suis confirmaret prout in hijs litteris patēt' ipsius patris nostri super hoc confectis plenius continetur. Ac etiam insinuatione Prelator', Comit', Baron'

et totius coītatis regni nostri in instanti parlamento nostro apud Westm̄ conuocat' accepimus quod tempore dicti patris nostri perambulationes præd' per dictum auum nostrū vt premititur concessæ & confirmate non fuerint obseruate & quod perambulationes huiusmodi non factæ remanserunt faciend' per quod nobis cum instantia supplicarunt vt perambulationes per dict' auum nostrum vt permittitur concessas & confirmatas confirmare & ratificare velimus . Ac etiam perambulationes quæ nondum factæ sunt fieri facere indilate . Nos eorum supplicationi in hac parte fauorabiliter annuentes concedimus pro nobis & hæred' nostris quod perambulationes præd' per præfat' auum nostrū concessæ & confirmate sub metris & bundis in dictis litteris ipsius aui nostri contentis & specificatis teneantur & imperpetuum obseruentur . Et volumus quod perambulationes quæ in aliquibus forestis adhuc restant faciend' per fideles nostros ad hoc assignand' fiant sub ea celebritate qua fieri poterunt bono modo . Quas quidem perambulationes cum factæ fuerint & nobis returnate sub metris & bundis quas in eisdem inueniri contigerit per litteras nostras paten' pro nobis & hæred' nostris confirmari & approbari faciemus . In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste meipso apud Westm̄ xxiiij. die Martij, Anno regni nostri primo.

Per ipsum Regem & Cons.

3 Puis apres la dit comminallie de Countie de Surrey que se sentz greue de ceo que la þurale ne fuit pas fait en la Forest de Windsor en le dit countie de Surrey en temps le Roy Edward aiel nostre seignior le Roy E. querust ne en temps le Roy Edward son pere ne vncore remis a faire & a chiuer la dit comminallie per vertu de la Charter nostre seignior le Roy come plus pleignerement est contenu en la dit þurale qui sensuit.

4 Edwardus Dei gratia Rex Angliæ, dominus Hiberniæ & Dux Aquit' dilectis & fidelibus suis Thom. Tregori, Iohanni de Stonore, Iohanni de Isfeld, & Iohanni Dabnour, salutem. Sciatis

Sciatis quod cum in parlamento nostro apud Westm' conuocato per Prelatos, Comites, Barones, & communitatem regni nostri asserentes quod fuisset supplicatum vt nos eas sic factas per dictum Auum nostrum concessas & confirmatas easdem concessionem & confirmationem in omnibus obseruari & in forestis vbi dicta perambulationes remanent faciend' eis fieri & factas in forma predicta confirm' curaremus assignauimus vos duos & tres vestrum quorum vos prefat' Iohannē de Stonore vnum esse volumus custodem forest' nost' citra Trentam vel ipsum quem posuerit loco suo & omnes forestar' de feod' & viridar' forestar' nostrar' in Com' Surr' ad perambulationem rectam per visum trium vel duor' viror' quorum vos prefat' Iohannē de Stonore vnum esse volumus & illorum in forestis nostris in eodem Com' in quibus dicta perambulationes tempore dict' aui nostri facte non fuerunt per Sacri' tam Militum quam alior' proborum & legaliū hominum de eodem Com' per quos rei veritas melius scir' & perambulationes ille fieri poterunt faciend' iuxta tenor' cartæ domini Henric' quondam Regis Angliæ proau' nostri de foresta. Et ideo vobis mandamus quod ad certos dies & loca quos vos tres vel duo vestrum quorum vos prefat' Iohannē de Stonore vnum esse volumus ad hoc providentes premissa faciatis in forma predicta. Ita quod perambulationes præd' fiant & nobis rerurnentur citra festum Natalis Domini prox' futur'. Mandauimus enim vic' nostro Com' præd' quod ad certos dies & loca quos vos tres vel duo vestrum quorum vos prefat' Iohannē de Stonore vnum esse volumus & scire faciatis & venire faciatis coram vobis tribus vel duobus vestrum quorum vos prefat' Iohannē de Stonore vnum esse volumus tot, & tales tam milites quam alios probos & legales homines de Com' prædicto per quos rei veritas melius sciri & perambular' prædict' fieri poterint sicut prædictum est. Et perambulationem illam distinde et aperte sic factā nobis sub sigillis vestris trium vel duorum vestrum quorū vos prefat' Iohannē de Stonore vnum esse volumus et sigill' eorum per quos facta fuerint reportetis ante festū suprad' vt eam confir-

Nota quela
fuit vn chiefe
keper de tous
Forestes citra
Trent, que est
le chief garden
del Forest
mention in le
statute de An.
1.E.3.cap. 8
Stat.1. hic
ante, pag.42

confirmemus iuxta concessionem nostram dictis magnatibus inde facti. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste meipso apud Westm̄ xx. die Martij, Anno regni nostri primo.

Per ipsum Regem & Cons.

5 Et pur ceo que la dit Commission en fait mention que le vic. de Surr' seit venit' deuaunt les Justices a certaine iour & lieu per euz assignes bones & loyauz Chiualers & auters del dit Countie pur la dit Purale faire, nostre seignour le Roy hors de sa Chaunceler maunda son byefe al dit viscount de Surr' en garrant de la dit chose faire tōe plus pleinement est contenuz en la dit byefe qui ensuit.

6 Edwardus Dei gracia Rex Angliæ, Dominus Hiberniæ & Dux Aquit' vic' Surr' salutem. Sciatis quod cum in parlamento nostro nuper apud Westm̄ conuocat' per præfatos Comites, Barones, & communitatem regni nostri assentes quod perambulationes tempore domini E. quondam Regis Angliæ Aui nostri in forestis suis tam circa Trentam quam vltra factæ non fuerunt obseruat' nobis fuisset supplicatum vt nos sic factas per dictum auum nostrum concessas & confirmatas iuxta easdem concessionem & confirmationem in omnibus obseruari & in forestis vbi dict' perambulationes remanent faciend' eas fieri & factas in forma prædicta' confirmare curaremus, assignauimus dilectos, & fideles nostros Thom. Tregorr', Iohannem de Stonore, Iohannem de Iseld, Iohannem Dabnon, tres vel duos eorum quorum præfat' Iohannem de Stonore vnum esse volumus ad conuocand' in præsentia eorundem Thom. Iohannis, Iohannis, & Iohannis, trium vel duor' eor' quor' præfat' Iohannem de Stonore vnum esse volumus custodem forestæ nostræ circa Trentam vel ipsum quem posuerit loco suo & omnes Forestar' de feodo & viridar' forestar' nostrar' in Com' Surr' ad perambulationem rectam per visum eorum vel duor' eorum quorum præfat' Iohannem de Stonore vnum esse volumus in forestis nostris in Com' præd' in quibus perambulationes tempore

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pore dict' aui nostri fact' non fuerunt per sacrm tam militum quam alior' probor' & legal' hominum de Com' tuo per quos rei veritas melius sciri & perambulationes ille fieri poterint faciend' iuxta tenorem carte domini Henrici quondam Regis Angliæ proaui nostri de Foresta. Et ideo tibi precipimus qd' ad certos dies & loca quos iidem Thomas, Iohannes, Iohannes, & Iohannes, tres vel duo eorum, quorum Iohannem de Stonore vnum esse volumus tibi scir' faciant, venire faciatis eorum eis tribus vel duobus eorum quorum præfat' Iohannem de Stonore vnum esse volumus, & tales tam milites quam alios probos & legales homines de Com' prædict' per quos rei veritas melius sciri & perambulac' præd' fieri poterint sicut præd' est. Et habeas ibi hoc breue. Teste me ipso apud Westm' xxidie Martij, annoq; regni nostri primo.

Nota que la
sunt vn chiefe
garden del
Forest.

Per ipsum Regem & Cons.

7 Et par ceo que la dit commission veloit que les Justices nostre seignour le roy facent appeller a eul le gardeine de la Forest citra Trente ou son lieutenant a la Justice faire droituremēt per vertue de ceo commission les dits Justices mauderont iour briefe au dit gardeine ou a son lieutenant quils fussent a certaine iours ou le dit briefe limite ensemblement onelles eul a la dicchose faire selonc ceo que plus pleinement est contenu en le dit briefe que sensuit.

8 Thomas Tregon, Iohannes de Stonore, Iohannes de Ifeld, & Iohannes Dabnon custod' forestæ domini nostri Regis citra Trentam & eius locum tenen' in Com' Surr', salutem. Cum in parlamento domini nostri Regis nuper apud Westm' convocat' per Prelatos, Comites, Barones, & coitatem regni asserentes quod perambulationes tempore dicti Edwardi quondam regis Angliæ aui sui in Forestis suis tam citra Trentā quā ultra facte non fuerunt obseruat'. Et eidem domino Regi supplicatum fuisse vt ipse eas sic factas per dictum auum suum concessas & confirmatas iuxta eandem concessionem & confirmationem in omnibus obseruari, Et in forestis vbi dict' perambu-

lationes remanent faciend' eas fieri & factas in forma prædicta confirmare curaret. Idem dominus noster Rex assignauit nos tres, & duo nostrum quorum Iohannem de Stonore vnum esse vult ad conuocandum in presentia nostra trium vel duorum nostrum, quorum Iohannem de Stonore vnum esse vult custodem Forestæ suæ citra Trentam vel ipsum quem posuerit loco suo & omnes forestar' de feodo & viridar' forestar' suarum in dicto Com' Surr' ad perambular' rectam per visum nostrum trium vel duorum nostrorum quorum Iohannem de Stonore vnum esse vult & illor' in forestis suis in eodem Com' in quibus perambulationes tempore dict' Aui sui facte non fuerunt per sacram tam militum quam alior' proborum & legal' hominum de eodem Com' per quos rei veritas melius sciri & perambulationes ille fieri poterint faciend' iuxta tenorem Chartæ domini H. quondam Rex Angliæ proauui sui de foresta. Et quia dominus Rex nobis mandauit quod conuocari fac' custodem forestæ suæ citra Trentam vel ipsum quem loco suo posuerit in dict' Com' Surr', ad perambulac' rectam faciend' nos preteritu illius mandati assignauimus die essendi apud Certesiam die Lunæ proxim' post quindenam sancti Iohannis Baptiste ad incipiend' de negotio supradic' ad perficiend' exinde ad dictam perambulationem faciend' quem diem vobis signauimus, ve vos ad diem prædictam ibidem personaliter intersitis vel ipsi quem loco vestro posueritis ibidem intersint. Ita quod dicta perambulac' per visum vestrum, nostrum & alior' ad hoc sum recte fieri possit secundum Tenorem Chartæ domini H. quondam Regis Angliæ proauui domini Regis de Foresta.

9 Et ausi pur la commission purpoyte que les Foresters de Fee & les Heredors de la Forest auantdit en le Counte de Surr' a la dit Puraley faire fuissent a iour et lieu ass. les dits Justices maunderent byiefe de garnishment as dits ministres quil fuissent illock & que eux feissent garnir les restours deins la Forest auantdit en le dit Countie en la querque la Puraley en temps le Roy Edward aiel nostre seignieur le Roy Edward quoye ne fuit pas fait ne Chiuache ne quilz fuissent illock a iour & lieu a
Chiuacher

Chinacher & a feire byet & leise Paraley come appiert en le byese qui sensuit.

10 Thomas Tregor', Iohannes de Stonore, Iohannes de Isfeld, & Iohannes Debnon, dilectis sibi Forestar' de feodo & viridar' forest' domini Regis in Com' Surr', salutem. Cum in parlamento domini Regis apud Westm' conuocat' per Prelatos, Comites, Barones, & coitatem regni assenser' quod perambulationes tempore domini Edwardi nuper Regis Angliæ aui sui in Forestis suis tam citra Trentam quam vltra facte non fuerunt obsecrat' & eidem domino supplicatum fuisset vt ipse eas sic factas per dictum auum suum concessas & confirmatas iuxta easdem concessionem & confirmationem in omnibus obseruari, & in forestis vbi dictæ perambulationes remanent faciend' eas scire & factas in forma prædicta confirmare curaret. Idem dominus noster Rex assignauit nos tres vel duo quorum Ioh. de Stonore vnum esse vult ad conuocand' in presentia nostra trium vel duor' nostr' quorum Iohannem de Stonore vnum esse vult custodem forestæ suæ citra Trentam vel ipsum quem posuerit loco suo & oēs forestar' de feodo & viridar' forestar' suar' in dicto Com' Surr' ad perambulationem rectam per visum nostrū triū vel duor' nostrū quorum Iohannem de Stonore vnū esse vult & illor' in forestis suis & in eodē com' in quibus perambul' dicti aui sui facte non fuer' per Sacm̄ tam militū quam alior' probor' & leg' hominū de eodem com' per quos rei veritas melius sciri & perambulat' ille fieri poterunt faciend' iuxta tenor' chartæ domini H. quondā Regis Angliæ proaui sui de foresta. Et quia dominus nr' nobis mandauit quod conuocar' faceremus omnes forestar' de feodo & viridar' forestar' suar' in dicto com'. Ac etiam illos in forestis suis in eodē com' in quibus perambul' tempore dicti aui sui facte non fuerunt ad perambul' rectam faciend'. Vobis mandamus ex parte domini nostri Regis quod apud certes. die Lunæ prox' post quindenam sancti Iohannis Baptiste personaliter interfitis ad perficiend' exinde ad perambul' illam faciend' ac etiam premunir' fac. omnes illos in forestis domini Regis in eodē com' comorantes in quibus per-

ambul' tempore dicti aui sui facte nō fuer' quod tunc sint ibi ad diem præd' exinde ad perficiend' nobiscū vt perambul' ill' per visum illor' nostrū & vestrū fieri posset competenter.

11 Et fait a scauoir qui a dit iour assés. a Certesey tous les Justices et le viscount de Surr' le lieutenant le gardein de la forest citra Trent' Foresters, Verderers, & auters resceants deins bound' de la Forest et bone gentes et loiaur Chiualers et auters illocks sum' per le dit viscount vindrent et les Justices seissent leur office et pyistrent enquest de chiualers et auters, cest est a sa uoir monf. Henr. Hask. & Henr. de Montforth Chiualers, Rob. le Dol. Hen. de Sunnerbus, Will. Duse, John de Bures lepyne, Rchole Bachiller, John Prodhame, Will. de Poyle, Joan at Stoker, Robert de Dittone, Johan de Kingnode & les chargerent la dit Enquest selonque leur Commission.

12 Et per monsieur John de Swynerton Chiualer lieutenant le gardein de la Forest nostre seignior le Roy citra Trent per certeine commission a luy fait ilcoke monstre allegea illok deuant les Juroys de la enquest pur le roy qui luy auoit vn enquest pyse a lampethe deuant certeine Justices en temps le roy Edward aiel nostre seign' le roy quoyest testmoignant qui cel lieu le quel il furent entout de faire Puraley a cel temps remist Forest per icel enquest Et pyia as iours quil faissent auyes pur le roy a seign' icel inquest quil tout auant en euidence pur le roy cōe appiert per la copie de la dit enquest qui sensuit.

13 Perambulatio facta in com' Surr' de Foresta de Windf. die Sabbati prox' post festum sancti Gregorij P. An. regni Regis E. 18. apud Lampheth coram Rogero Brainson, Ioh. de Barwik, Rad. de Hengham, Will. Inge, & Ioh. de Crokefle in presentia Phil. de Say cleric' Iustic' Forestæ forestar' viridar' forest' præd' per sacrm' Will. Amubefas, Iohannes de Bourstow, Will. de Bekewette milit', Rob. de Dol. Rob. de Valeton, Will. de Northwood, Ioh. Prodhame, Rob. Attesond, Nich de Wistone, Ric. de Horton, Edmundi de Suteworth, & Iohannis de Farnham: Qui dicunt per sacrm' suum quod totus com' Surr' fuit foresta tēpore H. regis proau' Regis nunc vnde idē Henr. obiit

Nota que la
fuit vn chiefe
garden & vn
lieutenant de
la Forest eome
appiert hic.

obiit seifitus, et ita remanfit foresta, vsque ad quart' diē Decembris Anno regni regis Ric. 1. Qui tunc deforestauit quādā partem ipsius com' per certas metas quæ continentur in Charta ipsius regis inde facta, v. inter Kanciam & aquā, quæ dicitur Waye, et de monte de Guldedone quantum com' Surr' durat versus meridiem & residuum com' præd', Scilicet incipiend' ad aqua de waye per montem de Guldedonne quantum com' durat' versus Aquilonem remansit & est foresta. Et post illius chartæ confect. nihil aforestatum vel occupatū fuit. per ipsum Regem Ric. nec per regem Iohannem, nec per aliquem alium dicunt etiam quod non sciunt quod aliquid de com' præd' aforestatum fuit per præd' Hen. proauum regis nunc. In cuius rei Test. præd' Iur' sigilla sua apposuer'.

After the disa-
foresting of a
part of the
Countie of
Surrey, the rest
was not vsed
as a Forest by
King Richard
nor by any
other.

14 Et la communalte alegea en euidence pur eux enconter le Roy que la Puraley fuit fait en le dit countie en le temps le roy Hen. besael le roy que oze est issint que tout le countie de Surrey fuit disaforest, & de ceo. mistient auant un Copie de un enquest de la dite Puraley fait en la maner qui ensuit.

15 Perambulatio facta in com' Surr' per sacm' Iohannis de Waltone, Gilberti Dabnour, Gilberti de Abingworth, Nic. Malemeyns, Hamonis de Gatton, Rob. de Watenill, Tho. de Hurtmere, Walteri Ourworth, Wil. de Wanton, Will. de Infula, Iohannis de Mikelham, et Iohannis de Burstowne Qui dicunt apud Brudford sunt diuise inter Bark. South. & Surr' & tunc diuise inter Bark. & Surr' de Brudeford per viam quæ ducit de Fremeley apud Wyshemere, et postea per crucem Rad' vsque Gomerichessford per medium la Shete vsque ad Horton & de Hoyton per la lee versus cursum aquæ, & inde iuxta aquā quæ dicitur Sydway vsque ad Thornehul de Thornehul vsque ad Harpessford de Harpessford per aquam vsque ad Inggfeld, & de Inggfeld vsque Lodertake thacche vbi tres com' conueniunt, v. Surr', Bark, & Buck. Et sic dicunt quod totus com' Surr' fuit extra Forestam sicut diuise content' Suth. Bark. & Surr' condonant die quo domino Hen. filius R. Iohannis fuit coronatus.

16 Dauter par le communalte mist habant pur eux en euidence

dence vn Copie de vn Charter fait per vn Abbe Alein labbe
Abbe de Certeley & Couent de meisme le lieu al Roy Hen. Besael
nostre seignieur le roy quozest qui les dits Abbe & Couent gra-
teront certaines terres al roy Henr. estr' deins bound' de fozest
nsent arelescant la Puralep auant fait per le dit Roy Hen. come
plus plegnement apiert per la copie de la dit Charter que ensuit.

17 Omnibus ad quos presens scriptum peruenerit, Alanus
Abbas de Chertsey & eiusdem loci conuentus salutem eternā
in Domino. Noueritis nos concessisse quod non obstante per-
ambulatione facta per praeceptū domini Hen. illustris regis An-
glia, fil' Regis Iohannis de Foresta de Windsor in com' Surrey
omnes terre, & bosci, & omnia tenē contenta infra metas & di-
uis. subscriptas remaneant ipsi domino Regi & hered' suis
foresta imperpetuum: vñ, a ponte de Stanes per Reg. Chirn
sicut se extendit per mediam villam de Egēham vsque Harpess-
ford, & de Harpessford vsque la Knapp, et de la Knapp vsque
Loderlake shacke vbi cadit in aquam Tamisie. Ita quod omnes
terra & bosci & omnia tenementa infra metas prae'd' & omnes
homines manentes infra easdem metas ex concessione ipsius
domini Regis erunt quieti de regardo salua ipsi domino Regi
venatione sua. In cuius rei testimonium presenti scripto Sigill'
nostrum duximus apponend' hijs testibus domino S. Cantuar'
Archiepisc. domino E. London, I. Bathon, H. Lincoln, R. Sa-
rum, R. Dulon Cancellar' domini Regis, R. Cicestriz, & W.
Oxon' Episcopis, H. de Burgo Justic. domini, R. Will. Mares-
chall', Rad. fil' Nic. Godfr. de Grancombe, & multis alijs.

18 Et de ceo la comunaltie mist Copie de vn testification de
certeine Chivalers tesmoignants ceo qui labbe Alein de Certe-
sey et son Couent auient fait a Roy H. apres la dit purale fait
come apiert per la Copie que ensuit.

19 Omnibus ad quos presens scriptum pertinerit Gilber-
tus de Abyngworth, Rob. de Watenill, Will. de Insule, Nich.
Malemcien, Iohannes de Mykelham, et Walterus de Cacce-
worth, salutem in Domino. Noueritis nos interfuisse & audi-
uisse vbi Alanus Abbas Certeley et eiusdem loci et conuentus

Nota bene cest
grant que lour
terres soient
quite de re-
garde.

The Charter of the Purlicus.

355

conceſſerunt domino noſtro H. illuſtri Regi Angliæ fil' Regis Iohannis et cartam ſuam inde fecerunt quod non obſtante perambulatione facta per preceptum ipſius domini Regis de Foreſta de Windſor in com' Surr' omnes terræ et boſci et omnia tenementa contenta infra metas, et diuiſas ſubſcriptas remaneant ipſi domino Regi et hæred' foreſta imperpetuum, vꝫ, a ponte de Stanes per Reg' Chim' ſicut ſe extendit per mediã vill' de Egeham vſque Harpeſford, et de Harpeſford vſque la Knap, et de la Knapp vſque Loderlake vbi cadit in aquam Tamisie. Ita quod omnes terræ et boſci et omnia tenementa infra metas prædictas et omnes homines manentes infra eandem metas ex conceſſione ipſius Regis erunt quieti imperpetuum de Regardo ſalua ibidem ipſi domino Regi venatione ſua. In cuius rei teſtimonium præſenti ſcripto Sigilla noſtra duximus apponend' hijs teſtibus S. Cantuar' Archiepiſc. domino E. London, I. Bathon, H. Lincoln, R. Sarum, R. Duliũ Cancellar' domini Regis, R. Ciceſtren', & W. Oxon. Epiſcopis, H. de Burgo Inſticiar' domini regis. W. Mareſchall', Rad. fil' Nich. Godôfr. de Cramcombe et multis alijs.

Ceſt eſt bon
couleur pur le
roy pur clames
come Forſt,

20 La quel Puralep auant d'it chiuaiche en le temps H. enſemblement oue la Charter et teſtification auant d'it furent en la treaſorie noſtre ſeigniour le roy et ceo la fuist communalite preſt auoucher record ſi les Juſtices le roy le voillent ſuſſre et les Jurops charges per leur ſerement adire verſie ſeu alerent et longe temps enſemble conſailer entre eux & rebiendrent et firent leur ſerement en la maner qui ſenſuit.

21 Qui dicunt per ſacramentum ſuum quod tempore dicti regis Edwardi aui domini regis nunc nulla perambulatione facta ſuit in foreſtis com' de Surrey, et dicunt quod perambulatione faciend' nunc in foreſtis illis micheanda eſt apud Waymouth, et abinde ſemper in longitudine Tamisie vſque Loderlakeſhache vbi tres com' conueniunt, vꝫ, Surrey, Bark. & Buck. et abinde vſque orientalem corneram parci de Windſore. Et abinde vſque molendinum de Harpeſford. Et abinde vſque Thornhull. Et abinde vſque Sydway. Et abinde vſque la Lee, et ſic vſque Horton,

Verdit.

Horton. Et abinde per mediū Lashere vsque Gomericheshford. Et abinde vsque Rolnescrouch. Et abinde vsque Wythemore-dene. Et abinde vsque Brudeford, vbi tres com' conueniunt, vz Surr', Bark. & Suth. Et sic dicunt quod totus com' Surr' est extra Forestam & fuit tempore Regis H. proauī domini Regis nunc sicut patet per quandam perambulationem factam tempore eiusdem regis H. secundum tenorem chartæ Regis H. de foresta: dicunt tñ quod tempore regis Edwardi aui dicti Regis nunc quedam inquis. capta fuit apud Lampeth coram Rogero Granafon, Iohan de Berewike, Rad' de Hengham, Will' Inge, & Ioh. de Crokefle per procuracionem dom' Hug. le Despens. senioris hominibus com' præd non pramunitis except quibusdam personis in Inquis. illa existent vi & metu eiusdem Hugonis' ad hoc ductis ad bundas & metas in Forestis com' præd faciend' qui nullam perambulat' nec equitationem in forestis illis fecerunt, nec bundas nec metas in eisdem posuerunt. In cuius rei testimonium, &c.

22. Et pur ceo qui cest enquest fuit mys auant dit iour en evidence pur le roy encounter la communalte & ceo la trope per cest enquest auant dit les Justices ne obseynt aler auant & chiuacher la dit Juralep s'lonque les bounds faite per les Jurours sans estre meins auises ou counsailes oue nostre seignour le roy, mes assistrent iour entre a lieutenant le gardeine de la Forest de ceo Trent as Berderers de la Forest as Jurours de lenquest & as autres resceants deins bounds de Forest illok effeant nome-ment le Lundy en la Forest Seint Mathew mocheine ensuant a weymuth, & quilz fuisset illok al dit iour & al mesme temps les Justices se voient auiser a quel iour coint les Justices &c. Sir Thomas Cregoy vindrent & les berderers et les Jurours de la enquest et tous les resceants deins bound de la Forest auant dit, mes le gardeine de la Forest de ceo Trent ne son lieutenant ne nul des Foresters et qui iour auient per prescription de vindret point. Et al dit iour la communalte de Surr' mist auant brieve nostre seignour le roy direct as Justices qui euz alastent auant a la Juralep faire nient a resceant la enquest prise en temps le roy Edward

Briefe de pro-
cedendo oue
vn non ob-
stante,

Edward aiel n^r seign^r le roy, qui ore est, Et come les furent re-
tournees en la Chauncellerie nient boillans nostre seign^r le roy
qui execution de la dite puraley ent soit fait deuant ceo qui len-
quest fuisse retorn^r en Chauncellerie et illok venu la un en-
quest & lauter que adonk. doit et realon ent soit fait per le conseil
nostre seignior le roy come plus pleinement appiert per le brief
qui est appelle non obstante qui ensuit.

23 Edwardus dei gracia Rex Angliæ, dominus Hiberniæ,
et Dux Aquit^e dilectis et fidelibus suis Thomæ Regor, Ioh.
de Stonore, Iohanni de Isfeld, et Iohanni Dubnon salutē. Cum
nuper ad prosecutionem Prælator^{um}, Com^{itum}, Baronum, & Con-
tatis Regni nostri nobis in parlamento nostro apud
Westm^{onasterium} conuocato suggererent perambulationes tempore domi-
ni Edwardⁱ quondam R. Angliæ Aui nostri in Forestis suis
tam citra Trentam quā ultra factas obseruatas non fuisse et no-
bis supplicantium ut nos eas per dictum aium nostr^{um} sic factas
concessas & confirmatas iuxta easdem concessiones, et confir-
mationes obseruari in forestis ubi dict^e perambulationes rem-
eas fieri et factas in forma prædicta confirmare curaremus alsi-
gnauimus vos tres & duos rest. quor^{um} vos præf. Ioh. de Stonore
vnum esse volumus ad conuocand^{um} in presentia vestra trium vel
duorum vestrum quorum præf. Iohannē de Stonore vnu esse
volumus custodē forestæ nostræ ultra Trentā vel ipsum quem
ponere vellet loco suo. Et omnes feod^{um} et viridar^{um} forestar^{um} no-
strar^{um} in com^{itatu} Surr^{ie} ad perambul^{um} rectam per visum vestrum tri-
um vel duorum vestrum quorum vos præf^{at} Iohannē de Sto-
nore vnum esse volumus et illo^{rum} in forestis nostris in eodē com^{itatu},
in quibus perambul^{um} tempore dicti aui nostri factæ non fuer^{unt},
per sacm^{entum} tam militum quam alior^{um} probor^{um} & leg^{um} hominum de
eodem com^{itatu} per quos rei veritas melius sciri & perambul^{um} illæ
fieri possunt faciend^{um} iuxta tenorē chartę domini Henrⁱ quon-
dam Reg^{is} Angliæ prouii nostri de foresta. Et vobis mandamus
quod ad certos dies et loca quæ vos tres & duo vestrum quo-
rum vos præf. Iohannē de Stonore vnum esse volumus ad hoc
providentis præmissa faciatis in forma præd^{icta}. Ita quod peram-
bulac^{um}.

Custor forestis
ultra Trentam.

Le briefe de
non obstante.

bulac' illz præd' fierent & nobis retur' cetera festum Natiuit'
 Domini prout in litteris vestris paten' inde vobis confess' ple-
 nius continetur. Ac etiam ex parte costatis com' præd' accepti-
 mus quod licet vos inquis. super metis & bundis forestar' in
 com' præd' prætenu assignac' nostræ præd' feceritis, perambul'
 tamen iuxta metas & bundas inquis. illius contentas prætenu
 quarundā inquis. tempore dicti aut nostri de huiusmodi metis
 & bundis fact' vt dicir' hucusque facere distulistis & nobis
 sic supplicat' vt super hoc remediū apponamus. Nos ea que in
 dict' parliament' nostro sic concessa fuerunt, volentes exequi
 debet' demandari vobis mandamus quod perambul' in forestis
 nostris in com' præd' iuxta formā assigni nostræ præd' cum ce-
 lerit' qua poteritis faciatis, inquis. tempore dicti aut nostri inde
 vt dicir' factis non obstantibus, & eisdem perambul' sic factis
 ad term' præd' in Cancellar' nostra iuxta formā assignac' no-
 stræ supradict' rec'. Nolumus tamen quod perambul' sic per nos
 faciend' executioni demandentur antequam in Cancellar' nre
 nobis rerumarentur, & visis inquis. tempore dicti aut nostri sic
 capr' ulterius inde fiat quod de consilio nostro rationabiliter so-
 re videbimus faciend'. Telle me ipso apud Stanhop Primo die
 Augusti, Anno regni nostri primo.

Nota hoc ver-
 bum apud
 Stanhope.

24 Per vertue de quel brieve les bereders de la Forest del
 countie auantdit, les Juroys de senquest et autres dems bound' de
 Forest resceants per bieu des Justices ne seignour le roy sans
 auoir regard al absence le gardeine de la forest cetera Vient ou de
 son lieutenant qui point debindet al dit tour a eor assigne ate-
 runt avant a la Paroley faire mesme le ieur le L'undr en la forest
 seint Mathew auantdit en la maner qui ensuit.

25 Videlicet quod de Weymuth in longitudine Tamisie
 vsque Stanesbridge. Et ab inde in longitudine Tamisie vsq; ad
 Loderlake hache vbi tres com' conueniunt Surr' Bark. & Buc-
 kingh. Et ab inde dimittendo com' Bark. a dextra parte vsque
 Stonyhuldwel. Et ab inde vsque les Quelmes. Et ab inde vsque
 orientalem corneram parci de Windfore. Et semper in longitu-
 dine

Perambul. fa-
 ctus in tempore
 E. le 3.

dine palacij eiusdem parci vsque ad molendinum de Harpeford. Et abinde per eundem palacium vsque aultram partem eiusdem parci. Et abinde transiendo Regiam viam vsque Wyndwyggshull. Et abinde vsque ad interiorem portam de Bromhall. Et abinde vsque Thormhull. Et abinde per viam quæ dicitur Sydway in longitudine eiusdem viz. Et abinde vsque la Lee. Et sic vsque Horton. Et abinde per medium la Shete per Gomerichesford quæ in antiquo tempore vocatur Bacsheresford. Et vident plus Chinacherunt al dit tour epus demoierent Barshete mesme la oute, Lendemain le Gardie ensupant chinacherent auant de Gomerichesford. Et abinde vsque Rolmescrouch. Et abinde declinando in dextera parte vsque Wythmorsden. Et abinde vsque Brudefordesbridge, vbi tres com' conueniunt, videlicet Surrey, Bark South. Et les auant dits Justices en diuers lieux en la dit chiuache firent la Proclamation solemnement que ne fust cy hardie de chacer ou malfaire en le Forest auant dit per reason de icel chynachy tant il fuit retourne a la Chancerie & puis confirme per le Roy en son Counsaile.

26. Puis apres les Justices faissent leur recozde de quant ils auient fait de tour en auter solongue le tenure de leur Commission a eux graunte a commencement et ceo la retournerent de subs leur seales en le Chaucerie nostre seignior le Roy longe temps deuant le tour a eux done de retourne faire per leur Commission et la maner come il retournerent appiert per la Copie del dit Recozde que ensuit.

27. Perambulatio Forestæ comitat' Surrey, iuxta metas & bundas per inquisic. captam coram Thoma Tregor, Iohanne de Stonore, & Iohanne de Iselde, & Iohanne Dabnon ad perambulationem illam factam assigni, Anno Regni Regis Edwardi tercij a conquestu primo, postea per visum prædicti Iohannis de Stonore, Iohannis de Iseld, & Iohannis Dabnon.

28. Dominus Rex mandauit Tho. Tregor, Ioh. de Stonore Ioh. de Iseld, & Iohanni Dabnon breue suum in hæc verba,

K k 3

Edwardus

Perambulatio
facta per visum
Iusticiar.

Edwardus dei gratia rex Angl', dominus Hibernie, & Dux Aquit', dilectis & fidelibus suis Tho. Tregor, Ioh. de Stonore, Ioh. de Ifeld, & Ioh. Dabnon salutem. Sciatis quod cum in parlamento nostro nuper apud Westm' conuocat per Prelatos, Comites, Barones, & Coitate regni nostri assentes quod perambul' tempore domini E. quondam regis Angl' aui nostri in Forestis suis tam citra Trentam quam vltra facte non fuerunt obseruat' nobis fuisset supplicatum vt nos eas sic factas per dominum auum nostrum concessas & confirmatas iuxta easde concessionem & confirmac' in omnibus obseruari, Et in forestis vbi dicta perambulationes remanent faciend' eas fieri & factas in forma prae'd' confirmare curaremus assignauimus vos tres, & duos vestrum quorum vos prae'f. Iohanne de Stonore vnum esse volumus ad conuocand' in praesentia vestra trium vel duorum vestrum quorum vos prae'f. Iohanne de Stonore vnum esse volumus custodem forestae nr' citra Trentam vel ipsum quatuor posuerit loco suo et omnes Forestarios de feodo & viridarios Forestar' nostrar' in com' Surr' ad perambulat' rectam per vium vestrum trium vel duorum vestrum quorum vos prae'f. Ioh. de Stonore vnum esse volumus et illor' in forestis nostris in eodem com' in quibus perambulat' dicti aui nostri factae non fuerunt per sacrm tam militum quam alior' prob' & leg. hominum de eodem com' per quos rei veritas melius sciri & peramb. ille fieri poterint faciend' iuxta tenorem chartae domini Henr' quondam regis Angl' proau' nostri de Foresta. Et ideo vobis mandamus quod ad certos dies et loca quos vos tres vel duo vestrum quorum vos prae'f. Ioh. de Stonore vnum esse volumus ad hoc prouideritis premissa faciatis in forma prae'd'. Ita quod perambul' prae'dictae fiant & nobis retournent' citra festum Nat' domini prox' futur'. Mandauimus enim vic' nostro com' prae'dict' quod ad certos dies & loca quos vos tres & duo vestrum quorum vos prae'f. Ioh. de Stonore vnum esse volumus ei scire faciatis venire fac' coram vobis tribus vel duobus vestrum quorum vos prae'f. Iohanne de Stonore vnum esse volumus tot; & tales tam milites quam alios, probos & legal' homines de com' prae'd'

Custos forestae
vltra Trentam.

Iuxta tenorem
chartae.

prad' per quos rei veritas melius sciri & perambul' prad' fieri poterint sicut prad' est. Et perambul' illam distinge & aperre sic facta nobis sub sigillis vestris trium vel duor' vestrum quor' pref. Iohanne de Stonore vnum esse volumus & sigill' eorum per quos facta fuerint reportetis ante festum supradict' vt eam confirmemus iuxta concess. nostram dictis magnatibus inde factam. In cuius rei testim' has litteras nostras fieri fecimus patentes. T. meipso apud Westm' die Martij Anno regni nostri prim'. Preterea cuius litter' pref. Thomas & socij sui mandauerunt vic. Surr. quod venire faceret coram eis tribus vel duob. eorum apud Certeleyam die Luna prox. post quindenam sancti Ioh. Baptiste xxiiii. tam milites quam alios probos & leg. homines de com' prad' per quos rei veritas melius sciri & perambul' fieri poterint secundum formam brevis prad'. Et similiter significauerunt custod' forestar' citra Trentam et omni forestar' de feod' & viridar forestar' com' prad' diem pradict'. Mandantes quod idem custos vel alius quem loco suo ponere voluerit nec non viridar & forestar' ex parte domini Regis tunc interessent ibidem, & idem viridar p'sentem facerent illos in forestis com' pradict' comorantes in quibus perambul' tēpore dicti regis aut domini regis nunc facta nō fuerunt quod ibidem similiter interessent ad perambul' rectam faciend' in forma prad'. Postea ad diem ill' in present' prad' Thomas & socij sui, Ioh. de Swynerton miles quondam Tho. Wake custos forestar' domini Regis citra Trentam per litteras suas patentes loco suo posuit, venit: quas quidam litteras idem Iohannes presentendit ibidem in hac verba.

29 Thomas Wake seigneur de Lybel Justice de la Forest citra Trent a tous ceux a qui cest lettre verront salut. Sachés nous auoir ordonne et assigne nostre chival & bon amie monsieur Johan de Swinerton nostre lieutenant par tous en les dits Forestes a faire toutes choses qui appendent en nostre nom en icels parties que nous meismes ne pouvons entendre, par quoy nous vous mandons & chargeons de part nre seigneurie le Roy qui a dit monsieur Johan venir a nostre lieu cū en les dits Forestes

Thomas Swinerton miles deputatus Iusticiarij Forestar' citra Trentum.

restes foies entendans et respoignans en tefnoignace de quel chose al dit mont. Johan nous auons fait faire testre nous letters patentes a durer a nostre volunze done a nostre manour de Brugge le xx. iour baurell, lan de reigne nr seign le roy Etiers apres la Conquest pimer.

30 Et Henr. de Stogton, Galfi ar Doune, & Robert de Imnoworth viridar Forestar illar veniunt et testarum est per eosdem viridarios quod non est aliquis Forestarius de feodo in Forestis predictis, alij tamen forestarii qui non sunt de feodo Scilz Robertus at Lake & Robertus de Bifflepe, & Thomas de Keteton veniunt & similiter alij in Forestis predictis, comrantes, scz Rolandus de Wykford, Richardus de Trattefworth, Richardus de Wyke, Wilhelmus de Wythwell, Robertus de Certeleye, Synnon de Woodcham, Thomas de Fremesfworth, Thomas de Hamme, Henr. de Bergh, Will. de Brudnelone, Robertus de Kerfwell, Gilbertus de Wythwell, Stephanus de Froillebur, Robertus Myles, Thomas de Wonbourne, Iohannes de Waringford, Petrus Payne, Walter at Church de Basseligh veniunt & vic. Sur. venire fecit Henr. Huse, & Henry de Monte forti milites, Robertum le Dol, Henr. de Somerbury, Will. Huse, Iohannem de Bures Ieniore, Nicholaum le Bachille, Iohannem Prodehome, Will. de Porkle, Iohannem at Stoker, Robertum de Diuton, et Iohannem de Kingenode Iur. Et postquam iidem iurati fuerunt ad veritat super premisis dicendam predicti Iohannes de SWynerton suggestit eisdem Iurat. quod tempore Regis E. au. domini Regis nunc capta fuit quedam inquis. de metis & bundis forestar. Com. predicti coram quibusdam fidelibus ipsius R. ad inquis. illam capiend. assignat. quam inquis. idem Iohannes asserit vt intellexisset in Chay. domini Regis returnata et ab hoc requisivit eosdem Iur. quod predicta inquis. latere non debuit ex parte domini Regis quod ipsi in inquis. ista de predictis metis & bundis fac. circumspecte agerent & porrex. quandam cedulam formam illius inquis. continentem. Et predicti Iur. habito inter eos in unum consilio dicunt per sacramentum quod tempore regis

E. au.

Nota hic Forestarii de feodo. Et forestarii qui non sunt de feodo.

E. aut domini Regis nunc nullā perambulatio facta fuit in Forestis com' Surr' & dicunt quod perambulac' faciend' nuno in Forestis illis michianda est apud Weymouth. Et abinde semper in longitudine Tamise vsque Loderlake & Bachewb'tres Comit' conueniunt, videlicet Surr' Bark & Buck. Et abinde vsque orientalem corneram parci de Windlore. Et abinde vsque in olendinum de Harpefford. Et abinde vsque Thornehull. Et abinde vsque Sidwey. Et abinde vsque la Lee. Et sic vsque Horton. Et abinde per medium la Shete vsque Gomarichefford. Et abinde vsque Rolnesferoniche. Et abinde vsque Wythesmorseden. Et abinde vsque Brudeford ubi tres com' conueniunt, videlicet Surr', Bark. & Suth. & sic dictum quod totus com' est extra Forestā. Et fuerūt tempore R. H. proadi domini Regis nunc sic ut patet per quandam perambulationem factam tempore eiusdem R. H. secundum tempore Chan' eiusdem R. H. de foresta dicunt in quod tempore R. E. ant' domini Rūnū quodam Inquis' cap' fuit apud Lambeth coram Rogero Brabason, Ioh. de Berwik, Rad. de Hengham, Will' Ingge, & Ioh. de Crokelley per procurac' domini Hugonis le Despens' senioris hominibus com' prad' non pramunitis, exceptis quibusdam personis in Inquis' illa existent' vi. Scilicet eiusdem Hugis ad hoc ductis ad bundas & metas in forestis com' prad' faciend' quā nullam perambulationem nec ullam equitationem in Forestis illis fecerunt nec bundas, nec metas in eisdem posuerunt. Et quia al' tempore R. E. ant' domini R. nunc capta fuit inquis' de huiusmodi metis & bundis pramunitis per inquis' illa modo captam & erat x. dies post illud de Swynerton. Ideo prad' Tho. & Ioh. sui perambul' in forestis prad' iuxta metas & bundas in Inquis' illa modo capta. & tunc ita fecerūt. & ita fuit vsque diem Lunæ in festo sancti Martini apud Weymuth. ad interim conuenerūt & debuerunt qualiter in hoc casu in premissis & forefforū quāquidcom' diem prefforū perquis' Johanni de Swynerton viridar' forefforū Inquis' & quāquidcom' forestis illis in die octaua post predictam esse quod ipsi illud tunc inter se tunc posuerūt & tunc inquis' illa de Swynerton.

Ioh.

abrogaco
tunc inquis'
illa non est
adit

Iohannes de Isfeld & Iohannes Dibanon venerunt ad locū prae-
dictū & custos foreste domini Regis citra Trentant nec eius locum
tenens, nec aliquis forestarius forestat' prae-dictar' s. viridar', lu-
rator' prae-d' & alij in forestis ill' comaranesi venerunt. Et super
hoc dominus Rex mandavit Tho. & socijs suis tribus vel duob;
eorū breuesum quod vocatur nōi obstante, vt patet supra.

31. Et ideo prae-d' viridar' Iuratores & alij in forestis prae-d'
comorantes per visum prae-d' Ioh. Ioh. & Ioh. non expectata pre-
sentia custodis foreste vel eius locum tenentis ad prae-d' per am-
bul' faciend' processerunt in hunc modum, v. de waymush in
longitudine Tamisie vsque Stanesfragg. Et abinde in longitu-
dine Tamisie vsque Loderlake shache vbi tres com' conueniunt
vz, Surre, Bark. & Buck. Et abinde demittendo com' Bark. a dex-
tra parte vsque Stonyheldwell. Et abinde vsque les Quelmes.
Et abinde vsque Oriental' Cornerā parci de Windfore. Et insu-
per in longitudine palacij eiusdem parci vsque molendinum de
Harpefford. Et abinde per eundem palaciū vsque australē por-
tam eiusdem parci. Et abinde transmeando Regiam viam vsq;
Wyndwingstull. Et abinde vsque interior' partē de Bromhall.
Et abinde per viam quā dicitur Sydwey in longitudine eiusdem
vizi. Et abinde vsque la Lee. Et sic vsque Horton. Et abinde per
medium la Shote vsque Gomerichesford. Et abinde vsque Rol-
nesferouch. Et abinde declinando in dextera parte vsque Wy-
shemoresdene. Et abinde vsque Brudefordesbrug. vbi tres com'
conueniunt, vz, Surre, Bark. & Suth. Et ita per prae-d' metas &
hunda factū est perambul' forestat' prae-d' in com' prae-d'. Et
prae-d' Iohannes & socij suis in diuersis locis vbi videbatur eis fa-
ciend' presens proclamac' fecerunt inhibere omnibus & singu-
lis ex parte domini Regis ne quis venaret seu aliquid malefa-
ceret in prae-d' forestis prae-d' perambul' antequam peram-
bulatio illa per dominum regem et consiliū suū confirma-
setur prout in prae-d' parliamēto ipsius domini Regis fuit or-
dinat' sub pena quae incubuerit.

Open procla-
mation that
no man shall
hunt.

32. Puis apres la vie communale del dit countie sup a la
Chauceiller nostre seigneur le roy eussent adouk a Pontfret

empiant en pleine court a sir John de Pothoni euesque de Ely
 Chauncr, adonk nr' seign' le roy que vult lenquest de la Purale
 de Surr' fait chiuche & ret' per les Justices deuant luy quil fait
 droit & reason, et que la dit Purale fuist. confirm' per charter nr'
 seign' le roy selon la primer Charter quil graunta des Purales
 confirm' a son parlement a Westm' lan de son reigne primer. Et
 cela Chari' fuit mys auant cestmoignant la volunte nr' seign' le
 roy come auant dit est. Et le dit Chaunceller appelle a luy
 les plus bannes clerks de la place nomement mestr' Hen. de Cuf.
 sir Will. de Parastone, sir Michel de Math. sir Tho. de Eue-
 sham, sir Henr. de Consoowe, sir Hugh de Bourgh, & sir Adam
 Brome, et autres, et prist lier la dit enquest en pleine Countee
 puis consaillerent ensemble ceo que meux fuit afaire pur le Roy.
 Et darpen agarderent que la dit commaltie sup hiesse de garnish.
 la Contable del Castell de Windsor, quil fuit a certain iour
 deuant eux a la dit Chauncellerie a monstrier sil sauoit rien dire
 pur le roy qui la dit Purale ne serroit confirme. Et en ceo que le
 hiesse fuit afaire auant qui monf. Johan de Lyle adonke Con-
 stable de Windsorz vient a Pontfret et fuit assis. ouels le Cha-
 celler en pleine Court. Et par ceo que le Cnoestable fuit illoke
 en proper person dit fuit a luy per le Chaunceller quil alast et se
 auysat pur le roy sil sauoit rien dire a Targer execution de la dit
 Puraley et sur ceo iour luy fuit don de iour en auter vn semaine
 entre illoke a Pontfret et quil parlat en le mesme temps oue
 nostre seign' le roy, et que son counsaile adonk esiaut a Pontfret
 pur la dit boisoigne le quel Conestable alast et seo auisat de ceo
 ouesque nr' seign' le roy et oue son counseile et le dyreint iour de la
 semaine il vient en la Chaunc. et demand luy fuit si il sauoit riē
 dire pur le roy et il allega en pleine court pur nr' seign' le roy que
 luy auoit vn enquest prise en temps le roy E. aiel nr' seign', seign-
 nsoz le roy qui oye est a Lambeth de certaine metes et boundes de
 la Forest de Windsor en le countie de Surr' deuant certain feaux
 et leaux nr' seign' le roy a ceo desputes et la quel chose fuit al-
 lege deuant monf. Thome Tregoz et ces chpaignons per monf.
 John de Stupnerton lieutenant le gardeine de la Forest de la

Enquest et
 perambulatio
 in plene Com.

Le constable
 del Castell de
 Windsor.

Constable del
Forest.

Note that the
Charter was
confirmed by
the King and
his Nobles.

Trent et pria que la Coynt de se voilet auiser pur le Roy E. la communalte alleges que cest enquest de cest Purale recourne a oze deuant eux ne fait mencion de la dit enquest. Et puis demaund fuit per le Chaunceller al Conestable si sauoit auter auter chose dire pur le roy & il respond qui non, pur quoy il alast sans iour adonk hors de la court, Et dit fuit a la Constable que agardast lour iour de iour en auter et qui se voilet auiser en mesme temps. Et puis nt seign' le roy se endressa hors de parties del North, tank a les parties de West et la Chaunceller eulque et la communalte auant soy apres pur la dit besoigne de iour en iour tank ne seign' le roy vint a Waples et de Waples a Winchcombe, et a quo seu la Chauncellerie fuit assess, plenerement. Et monf. Roger de Hoptim' Counte de la Marche et auters graunds furent assess. pres le Chaunceller ou la dit communalte pria la Chaunceller que il en fait droit et reason et quil commandast si luy plect que la dit Purale soit confirme ou le dit Chaunceller fist lyez lenquest deuant le dit Countie de la Marche et auters et counsailerent ensemble et adazeine dit fuit a eux que les graundes de la terre et le counsaile le roy serroit plener a Gloucester la prochein Semaigine supant quant lenterrement le roy Edward pereur nt seign' le roy que oze est se fent et adonk counsailes ensemble deuant le roy & oue piers de la terre qui adonk il serront quil ent fait droit et reason et fur ceo ils furent aournes a Gloucester et la dit communalte sup apres de Winchcombe taunke a Chyltenham. Et de Chyltenham taunke a Gloucester & illoke il mistrent auant lour besoigne enpyant confirmation come auant et illok en pleime counsaile nt seign' le roy entre les graunds de la terre illokes esteants. s. Henry de Lancaster Pareshall, Edmund Countie de Kent, John Counte de Sarne, Rog. Counte de la Marche, et auters Barons et Chiualers pimes de Counsaile le roy firent choses auant dits declares & pponces deuant eux per le Chaunceler ou adaren acorde fuit enter eux que les choses fuissent confirmes solone le graunt que nostre seign' le roy graunta a son parlement. Et commaund fuit a dit Chaunceller quil deliuerast la dit communalte sur quoy ils aueront iour

iour de iour en auter, pur ceo que n^r seign^r le roy se remode hoys de Gloucestre a Tewkesburie et de illok tanke a Worcester ou n^r seign^r tient son Roel. Et le dit communalte pria execution come auant et le Chaunceller comāund a faire la Charter & quāt la Charter fuit escripte pur eoy, fuit comāund que il ne boeit la Charter a sealer sans sauoir adep^rmes la targe n^r seign^r le roy de ceo faire en garrant et puis ap^res tant fuit sup strechement per la dit communalte la Trenderp le iour de la Nat. n^r seign^r iour qui la targe fuit comāund de faire al d^r Chaunceller et fuit fait et il auient en garrant issint qui lendemain le samedi le iour de S. Steuen fuit la Charter de confirm^r de la dit Purale fait et enseale en un petit meason ass. sur leue de Sere deins la Prioz de Wycester la ou il asselerent la dit iour tout auter byeles touchants le commune de la terre et payerunt lour fee del seale et aueront lour Charter confir^rme come appiert per exemplification de icel en la dit maner qui ensuit.

33 Edwardus dei gratia Rex Anglⁱ, dominus Hiberniæ & Dux Aquitⁱ. Omnibus ad quos præf. lit. peruenerunt, salutē. Sciatis quod cum nuper in parlamento nostro apud Westmⁱ conuocato ad supplicⁱ prælatorū Comⁱ, Barⁱ, & coitatis regni nostri per lit^r n^r patent^r concessⁱ quod perambul^r tēpore domini E. quondā regis Anglⁱ aui nostri in forestis suis tam citra Trentam quam vltra factæ & per ipsum auum n^r concessæ & confirmat^r secundū metas & bundas in eisdem perambul^r contentas obsruentur imperpet^r et teneant^r. Et quod perambul^r in forestis in quibus tempore dicti aui n^r factæ non fuerunt per fi-
deles nostros ad hoc assignand^r fierent sub ea celeritate qua fieri possent, bono modo. Et quod nos peramb. illas cum factæ fuerūt & nobis returnate sub metis & bundis quas in eisdem inueniri contigerit pro nobis & hered^r nostris conseruari & approbari faceremus prout in lit. nostris præd^r plenius continetur ac post modū ad requisitⁱ coitatis com Surrⁱ nobis suggerent^r qd peramb. in forestis nostris in eod^r com factæ non fuerunt, Volentes concessⁱ nostram præd^r effectum mancipari assignauimus dictos & fideles nostros Tho. Tregor. Ioh. de Stonore, Ioh. de

This is the
Charter of the
Puraley.

Ifeld, & Io. Dabnon, ad peramb. rectam in forestis nostris in eodē com' per quos rei veritas melius sciri & peramb. illarū melius fieri possent faciend' iuxta tenorē chartarū domini H. quondā Regis Ang. proavi nostri de foresta. Ac ijdem Tho. Ioh. & Ioh. peramb. huiusmodi in eodē com' prætēxtu assignac. nostrarū eis inde sic factarū fecerint & eas nobis in Cancellar. nr' miserunt in forma subscripta. Peramb. forestarū com' Surr' iuxta metas & bundas per inquis. inde captas coram Tho. Tregor, Ioh. de Stonore, Ioh. de Ifeld, & Ioh. Dabnon, ad peramb. illarū faciend' assignat', & postea facta per visum prād' Ioh. Ioh. & Ioh. ac per sacrum Henr. Huse, H. de Montfort militem. Rob. de D. Henr. de Somerbury, Will. Huse, Ioh. de Burges sen', Nich. de Bachiller, Ioh. Prodehome, Wil. de Porkle, Ioh. at Stoker, Rob. le Dynton & Ioh. de Kingswood Iur', Qui dicunt quod tempore dicti aui nostri nulla peramb. facta fuit in com' Surr', sed peramb. faciend' in forestis nostris inchoand' est apud Weymouth Et abinde semper in longitudine Tamisie vsque Loderlake shache vbi tres com' conueniunt, v. z. Surr. Bark. & Buck. Et abinde vsque orientale corneram parci de Windfore. Et abinde vsque ad molendinū de Harpessford. Et abinde vsque ad Thornhull. Et abinde vsque Rolnesetouch. Et abinde vsque Wyhemorefdene. Et abinde vsque Brudeford, vbi tres com' conueniunt, v. z. Surr. Bark. & Such. Et quod totus com' Surr. est extra forestā & fuit tempore dicti R. H. proavi nostri. Nos peramb. prād' acceptantes eam pro nobis & hered' nostris quantum in nobis est ratificamus, approbamus, concedimus & confirmamus secundū metas & bundas prād' imperpetuum obseruand'. Saluo semper in omnibus iure nostro. In cuius rei Testimonium has lit' nostras fieri fecimus patentes. T. meipso apud Wigorn' xxvi. die Decembris, Anno regni regis ij. prim' per ipsum Regē & consiliū.

34 Et puis apres la dit comunalte sup tant a Solphull en arderne apres la dit Chaunceller nr' seign' le roy & tilok auenece la Charter double issint que la pmiere Charter cy est asent de vert sere que demoece en la gard en tabbye de Certesey en le Countie de Surr. Et lauter charter a septe de Blauche serr que demoece en gard.

Saluo semper
in omnibus
Iure nostro.

Ou la charter
demur.

35 Et purceo que n^r seign^r le roy veolt que sa Charter de confirmement de la dit^e Purale soit lye en pleine counte & de ceo proclamation fait que ele soit firmement gard solonque les bounds saue per luy quarant iours denchacer ces bestes a ceo faire maunda s^r briele a viscount de Surr. come plus pleinement appiert per le transcript qui ensuit.

Nota que le
roy voloit que
cest perambul
soit firm gard.

36 Edwardus dei gracia Rex Ang. dominus Hiberniæ, & Dux Aquit^e vic. Surr. salutē. Cum nuper in parliamēto nostro apud Westm. conuocato ad supplic^{um} prælator. Com^{um}, Baronum, & cōitatis regni nostri per litt^{er}as patentes concessimus qd^{am} peramb. tempore domini E. quondam R. Ang. aui nostri in forestis suis tam citra Trentā quā ultra factæ & per ipsum auum. nostrū concessæ & confirmatæ secundum metas & bundas in eisde^m perambulat^{is} content^{is} obseruarentur imperpetuum & tenerentur. Et peramb. in forestis in quibus tempore dicti aui nostri factæ non fuerunt per fidel^{es} nostros ad hoc assignand^{um} fierent sub ea celebritate qua fieri possent bono modo. Et quod peramb. illas cum factæ fuerint & nobis retournate sub metis & bundis quas in eisdem inueniri contigerit pro nobis & hered^{ibus} nostris confirmari & approbari faceremus. Ac postmodum ad requisit^{um} cōitatis com^{um} præl^{ator} nobis suggerentis quod peramb. in forestis nostris in eodē com^{um} factæ non fuerunt volentes concessione^m nostram præl^{ator} effectum mancipari, Assignauimus quosdam fideles nostros ad peramb. rectam in forestis nostris in eodē com^{um} in quibus peramb. tempore dicti aui nostri factæ non fuerunt, per sacra^mentū tam militum quam aliorum proborum & legalium hominum de eodē com^{um} per quos rei veritas melius sciri & peramb. ille melius fieri possent faciend^{um} iuxta tenorem chartæ domini H. quondam R. Ang. proaui nostri de foresta. Idemque fideles nostri peramb. huiusmodi in eodē com^{um} præt^{er}textu assign^{ati} nostræ eis inde sic factæ fecerunt & eas nobis in Cancell. nostra miserint. Ac nos per litteras nostras parentes dictam peramb. acceptauimus & eam pro nobis & hered^{ibus} nostris quantum in nobis est ratificauimus, approband^{um} concessimus & confirmauimus secundum metas & bundas in dicta peramb. contentas imperpe-

Note that here
are fourtie
daies reserved
for the safe
returne of the
wilde beastes.

tuum obseruand. Saluo semper in omnibus iure nostro prout in litteris præd' nostris plenius continetur tibi præcipimus quod litteras nostras in pleno com' tuo legi & dictam peramb. secundum metas & bundas in eisdem literis nostris contentas public' proclamari, et firmiter obseruari faciat. Saluis nobis quadraginta diebus a tempore dat' huius breuis numerand ad feras nostras in locis extra forestam peramb. præd' sic posite existentes ad forestam nostram effugand. T. meipso apud Wigorn. xxvi. die Decembris, Anno R. R. ij. primo. *Per ipsum regem & Cons.*

37 Et pur ceo que nr' seign' le roy voil que son Conestable de son Castell de Windsor, soit apais des bounos de la dic' Purale, et quil enchalee les bestes deins le temps de quarant iours boys de la Purale tant a la Forest nr' seign' le roy luy ad maund son brieve a ceo faire en garrant come appiert plus pleinement per le transcript qui ensuit.

38 Edwardus dei gratia Rex Ang. dominus Hibernie, & Dux Aquit' Constabular' Castri sui de Windsor vel eius locum tenenti salutem. Cum nuper in parlamento nostro apud Westm. conuocatus ad supplic. Prælator', Com', Baronum & coitatus regni nostri per litteras nostras patentes concessimus, quod perambul' tempore domini E. quondam R. Ang. aui nostri in forestis suis tam citra Trentam quam ultra facta & per ipsum aium nostrum concessa & confirmata secundum metas & bundas in eisdem perambul' contentas obseruentur imperpetuum & teneantur quod peramb. in forestis in quibus tempore dicti aui nostri facta non fuerunt per fideles nostros ad hoc assignand' fierent sub ea Celeritate qua fieri possit bono modo. Et quod nos peramb. illas cum facta fuerint & nobis returnat' sub metis & bundis quas in eisdem inueniri contigerit pro nobis & hered' nostris confirmari & approbari faceremus prout in litteris nostris plenius continetur. Ac postmodum ad requisit' coitatus Com' Surr. nobis suggerent' quod peramb. in forestis nostris in eodem com' facta non fuerunt. Volentes concessionem nostram præd' effectum mancipari, Assignauimus dilectos & fideles nostros Tho. Tregor, Ioh. de Stonore, Ioh. de Isfeld, & Ioh. Dabnon ad peramb. rectam.

rectam in forestis nostris in eodē com' in quibus peramb. tempore dicti aui nostri facta non fuerunt per sacm̄ tam militum quam alior' probor' & legal' hominum de eodē com' per quos rei veritas melius sciri & peramb. illa melius fieri possent faciend' iuxta tenorem Charta domini H quondā Regis Ang. proauī nostri de foresta. Ac ijdē Tho. 10. 10. & 10 peramb. huiusmodi in eodē comā prætēxtu assigni nostrā eis inde sic facta fecerint & eas nobis in Cancellar' nostra miserint in forma subscripta. Perambulatio foresta com' Surr iuxta metas & bundas per iniqui inde cap' coram Thom. Tregor, Ioh de S onore, Ioh. de Ifeld. & Ioh. Dabnon ad peramb. illam faciend', assignand. Ac postea fact' per visum præd' Ioh. Ioh. & Ioh ac per sacm̄ Henr' Huse, Henr. de Monteforti militū Rob. le Dol. Henr de Somerbury, Will. Huse, Ioh. de Bures senioris, Nich. le Bachiller, Ioh. Prodehome, Will. de Porkle, Ioh. at Stoket, Rob. de Ditton, et Ioh. de Kingnode Iurar', Qui dicunt quod tempore dicti aui nostri nulla peramb. facta fuit in Com' Surr. Sed peramb. faciend' in forestis illis nicheand' est apud Waymuth. Et abinde sēper in longitudine Tamisic, vsque Laderlakshach vbi tres com' conueniunt vz. Surr. Bark et Buck. Et abinde vsque orientālē corneram parci de Windfor. Et abinde vsque molendinum de Harpefford. Et abinde vsque Thorsehull. Et abinde vsque la Lee. Et sic vsque Horton. Et abinde per mediū la Shere vsque Gomerichesford. Et abinde vsque Rolnescrouch. Et abinde vsque Wyshemoresden. Et abinde vsque Brudford vbi tres com' conueniunt, vz, Surr. Bark. et Suth. Et quod totus com' Surrey est extra forestam et fuit tempore dicti Regis H. proauī nostri. Ac nos peramb. præd' acceptantes et eas pro nobis et heredes nostris in quantum nobis est ratificauerimus Approbauerimus concesserimus et confirmauerimus secundum metas et bundas prædictas imperpetuum obseruand, Saluo semper in omnibus iur' nostro prout in litteris nostris præd' plenius continetur per quod præcepimus vic. nostro com' præd' quod peramb. præd' secundum metas et bundas in cisdem litteris contentas faciat obseruari, Saluis nobis quadraginta diebus a tempore breuis nostri

This writ is directed to the constable of the castell of Windlor, commaunding him to set the Deere that are in the Purlieus into the Forest

nostri sibi inde directi numerand' ad feras nostras in locis extra forestam per peramb. prad' sic positis existentes, ad forestam nostram effugand', vobis mandamus quod feras nostras infra dictos quadraginta dies a locis extra forestam sic positis ad forestam cum omni celeritate qua poteritis effugari faciatis. Et talem et tantam diligentiam in hac parte apponatis quod damnum nobis de feras nostris ibidem per vestri negligentia nullaten' generet'. Teste meipso apud Wigorn', xxvi. die Decembris, Anno R. R. ij. primo.

Per ipsum regem & Cons.

Here is to be noted the manner how the Pur is granted.

39 Per vertue de quel brieve apres la Charter lie en countie et la proclamation fait que la Jurale seroit fermement gard le dit Constable del Castell de Windsoz enchasea les beastes nostre seignieur le Roy deins de temps de quarante iours auant dit boys de la Jurale en la Forest nostre seignieur le roy et deins quel temps les bon gens del Countie de Surrey se tyndrent en pees sans rien chacer ou malefaire. Et apres les quarant iours les bones gens del Countie de Surrey, vserent leur fraunchise come ataint a eux solonc la volonte nostre seignieur le roy per la Charter a eux fait auant dit et confirme.

40 Icy finist les Proses de la Jurale de la Forest de Windsoz fait en la Counte de Surrey, et sup en la maner come auant est dit tank ele fuit eucharter & confirme de la bon volonte nostre seignieur le roy solonc ceo quil graunta en pleine parlement as graunds et la Communalte de la terre a tener et a garder pur luy et pur ces heirs a tous iours par ces lectors Patents come ils fuissent confirmes.

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